

To: The Deputy Leader and Members of the Planning and Development Board

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

21 MAY 2024

The Planning and Development Board will meet on Tuesday, 21 May 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719237 / 719221 / 719226.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 8 April 2024** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Introduction of Charging Fee Schedule for Self and Custom Build Register** – Report of the Chief Executive

Summary

This report seeks the agreement to introduce of a fee charging structure for entry onto North Warwickshire Borough's Council's Self-build and Custom Housebuilding Register and to remain on the Register on an annual basis.

The Contact Officer for this report is Mike Dittman (719499).

6 **South Staffordshire Council Local Plan Review – Publication Plan (Pre-Submission plan) Regulation 19 consultation April 2024 - Report of the Chief Executive**

Summary

This report seeks Members' agreement for comments on South Staffordshire District Council's Regulation 19 (Pre-Submission) Local Plan consultation.

The Contact Officer for this report is Mike Dittman (719499).

7 **Planning Applications - Report of the Head of Development Control**

Summary

Town and Country Planning Act 1990 – applications presented for determination.

7a Application No: PAP/2024/0059 - 32, Sycamore Avenue, Polesworth, Tamworth, B78 1NE

Erection of a single storey, disabled access extension to provide additional bedroom and level access bathing facilities

7b Application No: PAP/2024/0134 - Cow Lees Nursing Home, Astley Lane, CV12 0NF

Proposed development of specialist care home (use C2) and removal of steel frame building

7c Application No: PAP/2024/0029 - Millfield, Common Lane, Corley, CV7 8AQ

Demolition of existing dwelling and erection of two detached dwellings

7d Application No: PAP/2023/0567 - Land 500 Metres South East Of Lea Marston Shooting Club, Haunch Lane, Lea Marston

Construction of an earth bund and timber screens for noise mitigation (including footpath diversion of M23)

The Contact Officer for this report is Jeff Brown (719310).

8 **Appeal Update** - Report of the Head of Development Control

Summary

The report updates Members on recent appeal decisions.

The Contact Officer for this report is Jeff Brown (719310).

9 **Exclusion of the Public and Press**

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act

10 **Tree Preservation Order** – Report of the Head of Development Control

The Contact Officer for this report is Jeff Brown (719310).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

8 April 2024

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Clews, Dirveiks, Farrow, Fowler, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, and O Phillips

Apologies for absence were received from Councillors Gosling (Substitute Farrow) and Reilly (Substitute Clews), Ririe (Substitute O Phillips) and Ridley

82 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Humphreys declared a non-pecuniary interest in Minute No 84c – Application No CON/2024/0006 (Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU) and Minute No 84e - Application No CON/2024/0007 (Warton Nethersole C Of E Primary School, Maypole Road, Warton, Tamworth, B79 0HP) by reason of being a Warwickshire County Councillor.

Councillor Simpson extended his congratulations and thanks on behalf of the Board to Jeff Brown, the Head of Planning and Development, for completing fifty years with the Authority.

83 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 4 March 2024, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

84 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a **That Application No PAP/2024/0007 (81, Castle Road, Hartshill, Nuneaton, CV10 0SG) be granted subject to conditions to be determined by the Head of Development Control in consultation with Chairman and Opposition Spokesperson;**
- b **That in respect of Application No PAP/2024/0090 (Cole End Park and Nature Reserve adjacent to, 2, Old Mill Road, Coleshill, B46 1BG) work may proceed subject to**

the conditions as set out in the report of the Head of Development Control;

- c That in respect of Application No CON/2024/0006 (Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU) the Council has no objection to the proposal as set out in the report of the Head of Development Control but recommends that an additional condition be added regarding the need to keep roads clean;**
- d That Application No PAP/2022/0564 (Heath House, 27, Birmingham Road, Whitacre Heath, Coleshill, B46 2ET) be granted subject to the conditions set out in the report of the Head of Development Control;**
- e That in respect of Application No CON/2024/0007 (Warton Nethersole C Of E Primary School, Maypole Road, Warton, Tamworth, B79 0HP) the Council fully supports the proposals set out in the report of the Head of Development Control also requesting that the County satisfies itself that the proposals are sufficient for projected need as well as existing need and that if a permission is granted, work commences immediately; and**
- f That, subject to the resolution of matters relating to ecological, noise and lighting impacts, to the satisfaction of the County Ecologist and the Borough Environmental Health Officer, Application No PAP/2023/0252 (Stonebridge Golf Centre, Somers Road, CV7 7PL) be supported in principle, and subsequently be granted subject to conditions agreed in consultation with Chairman and Opposition Spokesperson.**

80 Permitted Development Changes

The Head of Development Control brought Members up to date on confirmation of changes to the Permitted Development Order, the subject of a consultation last year, and drew attention to a further round of consultation for more changes to that Order.

Resolved:

That the report be noted.

81 An Accelerated Planning System

The Head of Development Control informed Members of a recent Government consultation paper on measures that it was proposing in order to “accelerate” the planning system by tightening Performance Indicators.

Resolved:

That the comments in the report of the Head of Planning and Development Control be forwarded to the Department of Housing and Local Government.

82 Tree Preservation Order Land East of Chase Cottage, Purley Chase Lane, Mancetter

A Tree Preservation Order (TPO) had been placed on 20 trees located on Chase Cottage, Purley Chase Lane, Mancetter. It came into force on 15 December 2023 and lasts six months until 15 June 2024. Representations to the TPO were required by the 2 February 2024. The Head of Development Control sought to make the Order permanent following the consultation exercise.

Resolved:

That the Tree Preservation Order for the protection of the trees located with minor modifications at Chase Cottage, Purley Chase Lane, Mancetter be confirmed.

83 Appeal Update

The Head of Development Control brought Members up to date with recent appeal decisions.

Resolved:

That the report be noted.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

21 May 2024

Report of the Chief Executive

Introduction of Charging Fee Schedule for Self and Custom Build Register

1 Summary

- 1.1 This report seeks the agreement to introduce of a fee charging structure for entry onto North Warwickshire Borough's Council's Self-build and Custom Housebuilding Register and a further charge to remain on the Register on an annual basis.

Recommendation to Board

- a That the introduction of a charging structure for entry onto the Self-Build and Custom Housebuilding Register, and a further charge to remain on the Register on an annual basis, be approved;**
- b That the operation of the Register, including the scale of the fees, be monitored and kept under review; and**
- c To note any further comments and observations Members may make towards the approach being undertaken for charging for inclusion on the Council's Self and Custom Build Register.**

2 Background/Information

- 2.1 The Government is keen to promote self and custom building as a means of increasing the overall number of dwellings and encouraging the growth of the custom build sector. In March 2015, the Government enacted legislation "The Self-Build and Custom Housebuilding Act" (as amended by the Housing and Planning Act 2016) requiring Local Authorities to maintain a register of people who are seeking to acquire land to build their own home. This informs the Council of the level of demand for self-build and custom housing in the area of the local authority and places a duty on Councils to make provision for self and custom housing in response to evidenced demand.
- 2.2 The Government indicates there are a number of benefits to self and custom-build housing; it diversifies the housing market by delivering a greater variety of housing products; it diversifies the supply of these products away from volume

housebuilders, and it can potentially deliver a more affordable housing product or a product that can be financed differently than general market housing, such as through the Government's 'Help to Build' scheme.

- 2.3 The Self-Build and Custom Housebuilding Regulations 2016 oblige all District Councils in England to keep a Register of individuals (and associations of individuals) who are seeking to acquire serviced plots of land in their area for this purpose. Councils are required to give suitable planning permission for enough serviced plots to meet the demand for self and custom housebuilding (SCB) in their area.
- 2.4 Councils cannot preclude anyone who wishes to join the Register who fulfils the criteria set out in paragraph 008 of the SCB Planning Practice Guidance (PPG) which are:
- Be aged 18 or older;
 - Be a British citizen, a national of an EEA State, or a national of Switzerland;
 - Satisfy any local eligibility conditions set by the relevant Authority;
 - Have paid any fee required by the relevant Authority to enter or remain on the Register; and
 - Be seeking to acquire a serviced plot of land in the relevant Authority's area for their own self build or custom housebuilding project.

3 Register Entries

3.1 Authorities can separate the SCB Register into two parts (Part 1 and Part 2) if they introduce a local connection test, with those people who meet such a test being placed on Part 1 of the Register. Those who meet all the eligibility criteria **except** for the local connection test must be entered onto Part 2 of the Register. A local connection test is usually based around whether a person lives or works in the District, has close family in the District, or is a member of the armed forces.

3.2 Currently, NWBC has a 'combined' Register, that makes no distinction between those claiming a local connection and those that do not. It does, however, include this information (where relevant) on the Register information. Also, the Borough Council does not currently charge a fee to those wishing to have entry to the Register or wish to remain on the Register. Many other authorities across the country already operate a two-part Register and do charge a fee for entry and remaining on the Register on an annual basis. Examples of other local authority charges are included in Appendix A to this report.

...

3.3 The Housing and Planning Act 2016, places a further duty upon local planning authorities to grant suitable development permission in respect of enough serviced plots of land to match demand on their self-build and custom build register. Where authorities have introduced a two-part register the statutory duty to grant suitable planning permissions for serviced plots only applies in respect of demand evidenced on Part 1 of the Register (persons with a local connection). The level of demand is established by reference to the number of entries added to an authority's register during a base period. At the end of each base period, relevant authorities have 3 years in which to give permission for an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

- 3.4 There are currently 41 entries on the combined North Warwickshire SCB Register, received between 22 May 2016 to 1 May 2024 of those seeking a plot. The current Local Plan seeks to address the need through the provision of self and/or custom build opportunities and plots either within the strategic Local Plan housing allocations H1 and H4 or through Policy LP7 as part of the type and tenure mix of proposed applications for residential development. Until these sites are delivered however, there are limited plots that have been, or are being delivered through the planning system.
- 3.5 Without further review, the number of entries on the Register has the potential to increase significantly and providing sufficient serviced plots of land could be difficult to accommodate given the various constraints, including environmental designations across the Borough, the limited size/scale of some residential proposals/applications and resistance by mainstream housebuilders to provide plots within development sites for self-build opportunities. “Custom” build opportunities may be offered by developers, where potential purchasers have input primarily into internal design and this may be a future plot source but individual self-build opportunities may be unlikely.
- 3.6 It is for each relevant authority to determine the rationale for introducing a local eligibility test and the specific conditions they set. Any eligibility test introduced by an authority needs to be proportionate, reasonable and reviewed periodically to ensure that it responds to issues in the local area, for example for areas with exceptional demand for housing or limited land availability. Of the 41 entries on the Register, 18 indicate a direct local living, working or family relationship to the Borough. It is not currently proposed to apply an eligibility test for entries to the Register.
- 3.7 In addition, a recent tightening of the definition and monitoring approach over what development local planning authorities can determine is for self-build or custom housebuilding has the potential to limit local authorities ability to identify and determine sufficient SCB plots to address the statutory duty to provide enough serviced plots of land to match demand on their self-build and custom build register. The Right to Build Task force (part-funded by Department for Levelling Up, Housing and Communities DLUHC) provides local authorities monitoring guidance that informs what/which proposals should or should not be considered and identified as SCB plots, including where additional evidence may be required and this guidance is summarised in Appendix B.
- ...
- 3.8 The current Government Guidance states that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. This consequently increases the pressure to manage and maintain the register, to promote opportunities to encourage and increase SCB plot availability to avoid subsequent planning appeals and applications for costs against the planning authority where the self-build duty is used to justify overcoming planning refusals, particularly in locations considered by the Borough Council as inappropriate and unsustainable. The updated National Planning Policy Framework (NPPF) in December 2023 also gives additional support to the delivery of self-build, custom-

build and community-led housing. The Government Guidance provides details on what is considered appropriate for recording and monitoring of self or custom build plots to meet the legislative requirements;

- Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout (effectively the planning application title should include self or custom build within the description of the development);
- Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout (detailed within any planning support statement and/or design and access statement as an integral part of the application submission); and
- Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development. (Additional costs will be incurred if S106 agreements are required and/or sought for all applications involving self or custom build in part or whole).

4 **Proposed Charging**

4.1 The Self-Build and Custom Housebuilding Regulations 2016 allows local authorities to charge a fee to individuals/groups of individuals wishing to be entered on NWBC's SCB Register for a base period which is from 31 October to 30 October, or part of a base period. An annual fee to then remain on the Register can also be charged.

4.1 To address the ongoing maintenance and monitoring of the register, the need to review and confirm the entries, update their eligibility and more pro-actively address the duty to grant suitable planning permissions in respect of enough serviced plots of land to match demand on their self-build and custom build register it is proposed the following approach be implemented:

- To charge a registration fee to join the Register.
- To charge an annual fee for remaining on the Register.
- To produce an annual information sheet with requests for updates from registrants in the most administratively efficient manner as possible.
- That applications that are potential SCB dwellings are monitored to ensure that they are properly identified and promoted for inclusion in the supply of such dwellings.
- To encourage applicants at submission of planning application validation (where appropriate and relevant) to include and/or indicate their proposal will accommodate and can be defined within the self-build or custom build definition.

4.3 It is further proposed that the current 41 entries on the Register be reviewed to confirm that;

- a the entry is still valid,
- b seek to confirm the entry and update any changes to circumstances that may have occurred over the preceding 8 years of the Register's operation, and

- c the entry wishes to remain on the Borough's Register in light of the proposal to charge for inclusion on the Register.
- 4.4 It is not proposed to introduce a local connection test at this time but to monitor and keep under review the operation of the register.
- 4.5 The Regulations set out that different fees may be charged to different categories of applicant, but the amount of fees that can be charged must not exceed the costs incurred by the relevant authority in connection with its functions. The PPG expands upon this at paragraph 034, which states *"Relevant authorities can only set fees on a cost recovery basis. Any fees charged must therefore be proportionate, reflect genuine costs incurred, should not act as a deterrent for people to be entered on or remain on the Register and should not be viewed as a mechanism to manage demand. Authorities are advised to provide a transparent rationale for why they are charging, and how charges have been arrived at, and to review this to ensure costs remain proportionate and fair."*
- 4.6 The proposed charging structure has therefore been calculated on the basis of what would be necessary to cover the costs incurred of operating and maintaining the SCB Register, without acting as a deterrent to potential SCB registrants. It is difficult to accurately estimate what impact the fees will have, albeit it is likely to reduce the number of applicants on the register. Based on statistics since the Register was started, NWBC receives on average 6 new registrations per year and it would be recommended to review the existing 41 entries dating back to 2016 to ensure they are still valid and correct. Any reduction in Register entries may also have the benefit of reducing pressure on the level of demand for custom and self-build housing within the Borough, provide a more realistic view of actual demand, while helping maximise any identified plot availability to address that demand and avoid/reduce potential cost applications in planning appeals focusing on the self-build duty and lack of plots availability in the future.
- 4.7 It is proposed to set a rate for entry to the register and apply an annual fee at the following rate;
- Initial registration fee for entry on Register - **£75**
 - Annual registration fee to remain on Register - **£25**
 - the Fee to start at the next base period commencing 31 October 2024.
- Annual registration
- To remain on the register after the initial 12-month registration period, applicants would be required to re-apply annually and pay the £25 fee. Entries on the register will be removed after the initial 12-month registration period if:
- applicant has acquired land to build their own home and is no longer seeking a plot
 - applicant fails to pay the required fee to remain on the register

- 4.8 The introduction of a fee would also enable NWBC to provide an improved offering to registrants, such as the following:
- Maintain an improved webpage with information for self build and custom registrants and interested parties on SCB issues and list approved planning applications for sites etc.;
 - Provide an e-mail on a bi-annual basis to registrants setting out available plots and other relevant information.

4.9 It is proposed that the operation of the register, including the scale of the fees, be monitored and kept under review and the potential for the introduction of a two-part local connection test be further explored. The charges have been proposed at these amounts, since they are considered to be sufficient to cover the full costs of operating the SCB Register and wider tasks as set out above, whilst not being so high as to likely discourage people from joining the Register. The proposed fees are also broadly in-line with what other local authorities are charging.

5 In Summary

- 5.1 To note the proposal to charge an entry and annual fee for inclusion on the Council's Self and Custom Build register.
- 5.2 To note any further comments and observations Members may make towards the approach being undertaken for inclusion on the Council's Self and Custom Build register.

6 Report Implications

6.2 Financial Implications

6.2.1 The proposed fees are set out at paragraph 4.7. If the introduction of a charge to enter on to or be retained on the SCB Register is approved, any money received will be directly used to maintain and manage the Register and proactively identify site opportunities and availability of plots arising through the planning system to monitor and address the legal duty to grant suitable planning permissions for serviced plots . This may also help address and avoid potential costs applications in planning appeals which seek to use the lack of self-build plots to justify overcoming planning refusals in inappropriate and unsustainable locations/circumstances.

6.3 Risk Management Implications

6.3.1 The risks associated with not applying a charging scheme for entry on the Register apply primarily to addressing the cost of managing and maintaining the register and adequately addressing the statutory duty to meet the demand for self-build and custom housebuilding in the authority's area.

6.4 Legal Implications

- 6.4.1 The report refers to the legal requirement of having a register and considered the implications of introducing such a charge. There is the statutory duty at section 2A of the Self-build and Custom Housebuilding Act 2015 to give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.

6.5 Links to Council's Priorities

- 6.5.1 The proposal links to the Council's priorities in the Corporate Plan 2012-23 around 'Sustainable growth, protected rurality', and 'Efficient organisation' and to the Adopted Local Plan objectives; To provide for the housing needs of the Borough, To deliver high quality developments based on sustainable and inclusive designs and To secure a sustainable pattern of development reflecting the rural character of the Borough.

The Contact Officer for this report is Mike Dittman (719499).

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Appendix 2: CSB Charging Schedules and Part 1/Part 2 Eligibility Requirements of Other Local Authorities

Council	Register Fees	Parts 1/Part 2?	How to Register	Other Relevant Information
<p>Warwick District Council</p> <p>Self-build and custom build in Warwick District - Warwick Council (warwickdc.gov.uk)</p>	<p>Registration fee for entry on part 1 - £50</p> <p>Registration fee for entry on part 2 - £25</p> <p>Annual registration fee to remain on part 1 - £20</p> <p>To remain on Part 1 of the register after the initial 12-month registration period, applicants are required to re-apply annually and pay a £20 fee. Entries on the register will be removed after the initial 12-month registration period if:</p> <ul style="list-style-type: none"> Applicant no longer meets the eligibility criteria 	<p><u>Part 1:</u> Applicants are required to demonstrate if they meet the following local eligibility criteria:</p> <ul style="list-style-type: none"> Live in the district; or Have immediate family members who currently live in the district; or Are in full-time employment in the district; or A member of the Armed Forces/ have left the service in the last five years <p><u>Part 2:</u> No local connection test</p>	<p>Online Form</p>	<p>Local connection test requirements for Part 1:</p> <p>“If you live in Warwick District, please provide documents dated within the last 3 months to prove your residency. You can submit any of the following document:</p> <ul style="list-style-type: none"> Household utility bills Council tax bill Landlord contract Electoral register entry form Have close family who lives in Warwick District <p>If you have close family members who currently live in Warwick District, please provide documentation of your relationship, and proof of family members residency in the district, dated in the last 3 months.</p> <ul style="list-style-type: none"> Documentation of your relationship Marriage certificates Birth certificates <p>AND</p> <ul style="list-style-type: none"> Proof of their residency, dated within the last 3 months (as listed above) <p>If you are in full-time employment in Warwick District, please provide documents dated in the last</p>

	<ul style="list-style-type: none"> • Applicant has acquired land to build their own home and is no longer seeking a plot • Applicant fails to pay the required fee to remain on the register 			<p>6 months to prove your employment. Examples on what you can submit are listed below:</p> <ul style="list-style-type: none"> • HM Revenues & Customs tax documents • Employment contract • Written letter from your employer”
<p>Oxford City Council</p> <p><u>Self-build and Custom Housebuilding Oxford City Council</u></p>	No fees	<p><u>Part A (Part 1)</u></p> <ul style="list-style-type: none"> • Residency - You have lived within Oxford City Council administrative area (Oxford) continuously for at least 2 years, or for at least 3 of the last 5 years; • Employment - You are currently employed in Oxford and have been employed in Oxford for a minimum period of 3 out of the last 5 years; • Family Connection - You have an immediate family member who has lived in Oxford for the past 5 years. Immediate family are 	Form to be emailed or posted	<p>Local connection test requirements for Part A:</p> <p><u>“Local Connection Test Criteria</u></p> <p>In order to demonstrate sufficient local connection, it is recommended that individuals and associations of individuals should meet at least one of the following local connection criteria (see note 1 below) to be eligible for entry onto Part A of the Register:</p> <p><u>Residency</u></p> <p>You have either lived within Oxford City Council administrative area (Oxford) continuously for at least 2 years, or for at least 3 of the last 5 years (see note 2 below). This should be evidenced by, for example council tax statements, lease agreements</p>

		<p>defined as a close relative (mother, father, brother, sister or adult child);</p> <ul style="list-style-type: none"> • Armed Forces - You are currently serving in the armed forces or have left the services within the last 5 years. <p><u>Part B (Part 2)</u> No local connection test</p>	<p>utility bills or any other information that demonstrates residency.</p> <p><u>Employment</u> You are currently employed (see note 3 below) in Oxford and have been employed in Oxford for a minimum period of 3 out of the last 5 years. This should be evidenced by, for example, pay slips, contract of employment or a letter from the employer on headed paper that includes your name and their address.</p> <p>Or;</p> <p>You are currently self-employed (see note 4 below) and primarily based in Oxford with an on-going viable venture for a minimum period of 3 out of the last 5 years.</p> <p><u>Family Connection</u> You have an immediate family member who has lived in Oxford for the past 5 years. Immediate family are defined as a close relative (mother, father, brother, sister or adult child). This should be evidenced, for example with council tax statements or utility bills from an address in the district, accompanied by a statement setting out your relationship to the person named on the bills.</p> <p><u>Armed Forces</u> You are currently serving in the armed forces (see note 5 below) or have left the services within the last 5 years. Evidence of armed forces service</p>
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				(within 5 years of discharge) such as a military ID card or military discharge record, including date of leaving services.”
<p>East Cambridgeshire District Council</p> <p>Register of Interest in Self-Build and Custom Housebuilding East Cambridgeshire District Council (eastcambs.gov.uk)</p>	<p>Registration fee to the council of £23 for both Part 1 and 2 applicants</p> <p>An annual fee of £23 per applicant (Part 1 and 2), along with an updated registration form, to confirm continued eligibility, will be required to be submitted by 30 October each year from new and existing applicants to the register. Each September a registration form will be sent to all those who are currently on the register.</p> <p>New applications to the register can be made at any time throughout the</p>	<p><u>Part 1</u></p> <ul style="list-style-type: none"> • Currently live, or have lived within the East Cambridgeshire District Council authority area for either six of the last 12 months or three of the last five years; or, • Currently work within the East Cambridgeshire authority area; or, • Have an immediate family member living within the East Cambridgeshire authority area (Immediate family means a parent, child, or sibling, or another family member if there is a particularly close relationship); or • Be in service of the regular or reserve armed forces of the Crown or have applied within five years of discharge, and would have met any of the above at the date of commencing service. <p><u>Part 2</u> No local connection test</p>	Form to email or post	The registration form asks if applicants have joined or intend to join other self-build registers for Local Authorities within the same HMA.

	<p>year, but all applicants before 1 September each year will be required to re-register and pay a further registration fee by the 30 October each year in order to remain on the register, regardless of when they last registered.</p>			
<p>Cotswolds District Council</p> <p><u>Self build housing - Cotswold District Council</u></p>	<p>Registration fee to the Council of £75 for Part 1 or £25 for Part 2</p> <p>Renewal fee of £50 for Part 1 each year</p>	<p><u>Part 1</u> Local connection and financial capability test:</p> <p>You meet the local connection test, if you have or your partner:</p> <ul style="list-style-type: none"> • Has had their only or principal home in the Cotswold District for a continuous period of three years immediately before applying • Has previously had their only or principal home in the Cotswold District for a continuous period of five years • Has had their main place of work in the Cotswold District for twelve months immediately before applying 	<p>Online form via survey monkey</p>	<p>Has published self-build statistics from 2016-2019</p>

		<ul style="list-style-type: none"> • Has family members (only including grandparents, parents, siblings or adult children) who live in the Cotswold District and have done for a continuous period of five years • Are in the service of the regular armed forces of the Crown (defined in section 374 of the Armed Forces Act 2006) or have left regular service within the past five years immediately before applying. <p>You meet the financial capability test if you can:</p> <ul style="list-style-type: none"> • Identify the approximate amount of land that would be needed to accommodate the size of property you are looking for in the area you are interested; • Indicate the approximate cost of such a site on the open market and give examples of recent comparable market sales within the District or a confirmation letter from a registered valuer; • Evidence how you intend to fund the project. <p><u>Part 2</u></p>		
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		No local connection or financial capability test		
Wychavon District Council <u>Self-Build and Custom Housebuilding Register - Wychavon District Council</u>	No fees	<u>Part 1</u> Local connection test – this must be demonstrated for at least 3 years prior to the application <u>Part 2</u> No local connection test	Online form via consultation portal	Has published a progress report: https://www.wychavon.gov.uk/planning/planning-policy/self-build-register
North Norfolk District Council https://www.norfolk.gov.uk/tasks/planning-policy/custom-and-self-build-housing-register/	Registration fee £25 for Part 1 and Part 2 – no annual fee	<u>Part 1</u> Local connection test; one of the following: <ul style="list-style-type: none"> Lived in the Council district for a period of at least 12 months immediately prior to the date of your application to join the register; or Has previously lived in the Council district continuously for a period of at least 3 years out of the past 5 years immediately prior to the date of your application to join the register; or Has permanent employment within the Council district; or Has immediate family members (spouse / partner, parents, step parents, adult (aged 18 years 	Online form returnable by email or post.	<ul style="list-style-type: none"> Publishes their Self-Build Register online Includes details of current sites with permission for SCB and contact details for agents: https://www.norfolk.gov.uk/tasks/planning-policy/custom-and-self-build-housing-register/ <p>Information on how applicants are kept informed:</p> <p><u>“What happens if I register?</u> We will contact you when proposals for serviced custom and self-build plots gain planning permission in North Norfolk. We will seek to provide details of the location and landowner or developer contact details, should you wish to explore opportunities to purchase land for your self-build project.</p>

		<p>and over) children or step children, or siblings and step siblings) who have lived in the Council district continuously for at least 3 years immediately prior to the date of your application to join the register.</p> <p>The only exception to the above will be members of the armed forces. Anyone who is in the service of the regular armed forces of the Crown is deemed to satisfy the connection test, and anyone who has previously served in the armed forces will be deemed to satisfy the connection test for a period of ten years after leaving service</p>		<p>We will contact you at the end of the Register period to enquire if you wish to remain on the Register for the following annual period. We do not presently charge a further fee for this.”</p>
<p>Shropshire Council</p> <p><u>Self-build homes Shropshire Council</u></p>	<p>Registration fee £30 plus VAT; £15 renewal fee</p>	<p>No Part 1 or Part 2</p> <p>To register you must be:</p> <ul style="list-style-type: none"> • Over 18 years old • A British citizen (or citizen within the European Economic Area (EEA), or a national of Switzerland) • An individual or group • Seeking to acquire a 'serviced plot of land' in Shropshire to build a house as your main residence • Have paid your annual subscription charge 	<p>Online form – fee must be paid beforehand</p>	<p>Website has details of self-build plots currently available in Shropshire: https://www.shropshire.gov.uk/self-build-homes/available-plots-in-shropshire/</p> <p>Website has details on self/custom-build and links to relevant websites: https://www.shropshire.gov.uk/self-build-homes/build-type-explanations/</p> <p>Information on fee charging:</p> <p>“We'll contact everyone on the register each February to remind them that the renewal fee is due, and include instructions on how to pay this, as</p>

				<p>well as details of how to be removed from the register if you wish to be. This reminder will provide a deadline to renew, and anyone who we've not heard from will automatically be removed and will have to pay the re-registration fee of £30 plus VAT should they wish to go back on the register.”</p> <p>“We've now set up a charge for an annual subscription for those currently on the register, a renewal fee and a charge for any new subsequent additional registrations. These charges have been introduced to cover administration costs and time in maintaining the register, newsletters and introducing sites to potential self-builders. The charging applies over a rolling 12-month period.</p> <p>Our register will hold some basic details for those people with a genuine interest in building their own home in the Shropshire Council area. Having completed a short online form, details will be transferred to the register. We'll then use this information to inform you of available or upcoming plots or opportunities in the areas you've expressed an interest in.”</p>
<p>Broadland District Council <u>Broadland Self Build</u></p>	<p>For entry onto the register there is an initial registration fee of £100 (applicable to Part 1</p>	<p>Part 1 and Part 2 <u>Part 1</u> Local connection and financial capability test.</p>	<p>Email to register interest and request application form</p>	<p>Information on fee charging: “Please note the Part 1 renewal fee is due annually on 31 October irrespective of the date you initially join the register. For example if you join part way</p>

<p>and Custom Housebuilding Register – Broadland and South Norfolk (southnorfolkandbroadland.gov.uk)</p>	<p>and 2) and to remain on Part 1 of the register a fee of £100 will be required annually on the 31 October, at the beginning of each new year of the Register.</p> <p>There is no annual renewal fee for those on Part 2.</p>	<p>To be eligible to go on the main part of the register (Part 1) you must be:</p> <ul style="list-style-type: none"> • Aged 18 or over. • A British citizen, a national of an EEA state other than the United Kingdom or a national of Switzerland. • Seeking (either alone or with others) to acquire a serviced plot of land for your own self-build or custom housebuilding. • A resident in the Broadland district for at least the last three years (or be in the service of the regular armed forces of the crown, or were in the service within the last three years). • Able to demonstrate that you will have sufficient resources to purchase the land for the self-build or custom housebuilding. <p>If you meet all of the requirements apart from criteria 4 (local connection test), you can still be entered on Part 2 of the register.</p>		<p>through the register year, for example in August, you will still be liable for a renewal charge in October that same calendar year to remain on the register for the next year.</p> <p>The fee is to cover the administration costs associated with maintaining the register. Inclusion on the register means that your interest, together with the others on the register i.e. the number of people registered, is taken into account by the council in its planning and housing functions. Inclusion on the register does not mean that an application for planning permission will be successful. Also, it is not a “waiting list” for self-build plots and you will not be notified of potential plots.”</p>
<p>Fenland District Council</p>	<p>New applicants must pay a registration fee of £30.</p>	<p><u>Part 1</u> Local connection test:</p> <ul style="list-style-type: none"> • Currently live (or have lived) within the Fenland district for 6 	<p>Online form</p>	<p>Information on how applicants are kept informed of CSB plots:</p> <p>“In Fenland's case, the number of homes that get built as custom/self builds is far greater than the</p>




<p><u>Custom and self build housing - Fenland District Council</u></p>	<p>Annual fee of £30 by October 30.</p>	<p>of the last 12 months or 3 of the last five years; or</p> <ul style="list-style-type: none"> • Currently work within the Fenland district; or • Have an immediate family member living within the Fenland district (such as a parent, child, sibling); or • Be in service of the regular or reserve armed forces of the Crown or have applied within 5 years of discharge and would have met any of the above when you began service. <p><u>Part 2</u> No local connection test.</p>		<p>number of people on the register of interest. Given this, you may like to consider receiving notifications of new planning applications as an alternative to going on the custom and self build register. This way you will be able to receive early information about potential buildings plots.</p> <p>To get automatic email notifications about planning applications submitted to the Council, please go to our Public Access webpage and click on the 'register' button at the top of the page. You will be able to customise which applications you get notifications for and also the geographic location.”</p>
<p>Lichfield District Council</p> <p><u>Self build and custom build homes (lichfielddc.gov.uk)</u></p>	<p>£100 + VAT to register and annual subscription of £50 + VAT</p>	<p>No Part 1 or Part 2</p>	<p>Online application form to email or post</p>	<p>Information on how applicants are kept informed:</p> <p>“Once you are on the register we may be in contact with you from time to time with updates about self-build and custom build.</p> <p>We will keep the register under review and update it on a regular basis.</p> <p>We may ask for confirmation of your continued interest in building in the district at certain intervals to ensure that the register remains accurate.”</p>
<p>Central Bedfordshire Council</p>	<p>£90 to register for three years</p>	<p>No Part 1 or Part 2</p>	<p>Online form</p>	<p>N/A</p>

<p><u>Self-build and custom-build register Central Bedfordshire Council</u></p>				
<p>Hart District Council</p> <p><u>Self-build and custom-build housing Hart District Council</u></p>	<p>Joining fee for Part 1 of the register (individual) £83</p> <p>Joining fee for Part 1 of the register (association) £138</p> <p>Joining fee for Part 2 of the register (individual) £83</p> <p>Joining fee for Part 2 of the register (association) £138</p>	<p>Part 1 and 2</p> <p><u>Part 1</u> Local connection test:</p> <ol style="list-style-type: none"> 1. Lived in Hart District for a minimum period of 3 out of the last 5 years; 2. Currently employed in Hart District and have been employed in Hart District for a minimum period of 3 out of the last 5 years (employment must be more than 16 hours per week and where working hours fluctuate be an average taken over 12 months); 3. Currently self-employed primarily based in Hart District with an on-going viable venture for a minimum period of 3 out of the last 5 years (self employment must be more than 16 hours per week and where working hours fluctuate be an average taken over 12 months); 4. Currently serving in the armed forces or have left the services within the last 3 years (within the meaning of Section 374 of the Armed Forces Act 2006). 	<p>Online form</p>	<p>Information on local connection test: “In due course the council will require evidence of residency within Hart District such as utility bills, council tax statements and lease arrangements, or other information which demonstrates residency beyond doubt. Evidence of employment within Hart District can include pay slips or other information which demonstrates local employment beyond doubt. An application can be refused if there is insufficient information or evidence provided.”</p>

<p>Annual fee for Part 1 of the register (individual)</p> <p>£33</p>	<p>Financial Test: Individuals and associations of individuals must have sufficient resources (consistent with the Self Build and Custom Housebuilding Regulations 2016, Regulation 5(4)) to purchase land for their self-build and custom housebuilding. This applies to Part 1 and Part 2 of the register.</p>		
<p>Annual fee for Part 1 of the register (association)</p> <p>£33</p>	<p>Relevant evidence of sufficient resources to purchase the land includes:</p>		
<p>Annual fee for Part 2 of the register (individual)</p> <p>£0</p>	<p>1. Details of savings or equity for the purchase of a site/plot at a realistic value;</p> <p>2. An offer letter from a self-build mortgage lender e.g., Member of the Council of Mortgage Lenders. Evidence must show the release of specific funds for the purchase of a site/plot at a realistic land value.</p>		
<p>Annual fee for Part 2 of the register (association)</p> <p>£0</p>	<p>3. Written confirmation from a qualified financial advisor with active membership of a relevant professional body. Evidence should demonstrate that the individual has sufficient funds/equity to purchase the land.</p> <p>4. Any other information which demonstrates, to the council's satisfaction, that</p>		

		<p>the individual has sufficient resources to purchase land for their self-build custom housebuilding.</p> <p>For associations, appropriate evidence must be provided for each individual.</p> <p><u>Part 2</u> Financial capability test, but no local connection test</p>		
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Counting relevant permissioned plots

 Definitely CSB	<ul style="list-style-type: none"> ▪ Permission with signed Unilateral Undertaking committing to self-build; ▪ Permission with condition or agreement for marketing the plot(s) as a CSB opportunity; ▪ Permission that creates a new dwelling and has a submitted Form 7: Self Build Exemption Claim Form - Part 1 and Part 2³.
 Possibly CSB requires evidence	<ul style="list-style-type: none"> ▪ Outline permissions; ▪ Full permission with unknown intent; ▪ Rural/Agricultural worker’s dwelling; ▪ Multi-unit flat where the owner creates multiple flats, and intends to occupy one as principle residence; ▪ Permitted Development approval for conversions; ▪ Dwelling demolition and redevelopment; ▪ Community Land Trusts.
 Definitely Not	<ul style="list-style-type: none"> ▪ Certificate of Lawfulness for a dwelling; ▪ Caravans are not self-build; <i>caravans do not meet the “construction” part of the definition (and self-build legislation seeks to increase the SME sector as well);</i> ▪ Ancillary accommodation; ▪ Build to Rent development; ▪ A substantial enlargement or redevelopment that creates new floorspace but not a new dwelling.

MHCLG guidance

CLG 3. How many planning permissions for serviced plots suitable for self- and custom build have been granted between 31 October 2018 and 30 October 2019?
Criteria for determining if application/permission is self-build:

- CIL exemption granted; 1APP form includes specifics of CSB numbers;
 - Developers identify Custom or Self-Build in submission details and are clear that the initial owner of the homes will have primary input into its final design and layout; and
 - Application ... is clear that the initial owner of the homes will have primary input into its final design and layout.
- Ultimately, the local authority must be satisfied that the development permissions being counted meet the legislative requirements and that these can withstand the scrutiny of local constituents or any legal challenge.

<https://www.gov.uk/government/publications/self-build-and-custom-housebuilding-data-2016-2016-17-2017-18-and-2018-19>

Agenda Item No 6

LDF Sub-Committee

21 May 2024

Report of the Chief Executive

**South Staffordshire Council
Local Plan Review – Publication
Plan (Pre-Submission plan)
Regulation 19 consultation April
2024**

1 Summary

- 1.1 This report seeks Members' agreement for comments on South Staffordshire District Council's Regulation 19 (Pre-Submission) Local Plan consultation.

Recommendation to Board

- a That Members agree the comments on the South Staffordshire Local Plan review, Regulation 19 consultation;**
- b That the Regulation 19 Pre-Submission plan be supported in relation to the focus on and allocations proposed towards addressing Strategic Employment needs;**
- c Raise objection, concerns and reflect the Council's disappointment in the reduction made towards addressing the wider unmet housing needs of the GBBCHMA; and**
- d Include any additional comments and points raised by Members at the Planning and Development Board.**

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Regulation 19 South Staffordshire Local Plan

- 3.1 South Staffordshire District Council (SSDC) have previously carried out an Issues and Options consultation in 2018, a Spatial Housing Strategy consultation in 2019, a Preferred Options in 2021 and a Publication Plan consultation in 2022. As a result of changes to national planning policy and updated evidence, SSDC are carrying out a further Publication, or pre-submission, consultation. The Regulation 19 South Staffordshire Publication

Plan 2024 consultation runs for 6 weeks beginning Thursday, April 18 until 12 noon, Friday, May 31, 2024

- 3.2 Members may recall a previous Planning and Development Board report on 28 November 2022 responding to a consultation on the South Staffordshire Local Plan Publication. That Report included a Statement of Common Ground (SoCG) sought in agreement from all of the GBBCHMA local authorities on their approach to unmet housing needs. The report sought Members' agreement for support towards South Staffordshire District Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base, including addressing a significant element of Birmingham's unmet need.
- 3.2 South Staffordshire is a rural district on the north-western edge of the West Midlands Conurbation. Much of South Staffordshire (80%) lies within the West Midlands Green Belt (32,113 hectares), with the area beyond the Green Belt to the northwest of the district defined as 'Open Countryside'. The district adjoins the major urban area of the West Midlands Conurbation including the Black Country boroughs of Dudley, Walsall and the City of Wolverhampton. A 2018 Strategic Growth Study recommended a series of strategic growth locations across the housing market area, including a number of locations in South Staffordshire. Using this evidence, it was proposed to test an additional contribution of 4,000 dwellings to address the unmet housing needs of the GBBCHMA in the South Staffordshire council's Local Plan review, but also seeking support from other local authorities in the GBBCHMA area through a SoCG.
- 3.3 North Warwickshire supported the 2022 Regulation 19 South Staffordshire Local Plan at that time, in particular the ambition to accommodate 4000 homes towards Birmingham's unmet need. However, in relation to South Staffordshire's own needs the North Warwickshire Borough responded on the basis the Council didn't have capacity and were insufficiently related to South Staffs to accommodate additional housing but were happy to work with them and the GBBHMA to try and address shortfalls as they arise.
- 3.4 The Report minutes stated - *Support for South Staffordshire Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base. The report sought Members' agreement for support towards South Staffordshire District Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base, including addressing a significant element of Birmingham's unmet need.*
The Resolution was: *a That the report be noted. b That observations or comments by Members be noted.*
- 3.5 A Draft SoCG between South Staffordshire and North Warwickshire was broadly agreed in discussions up to December 2022. However, the agreement was never finalised prior to their Reg 19 consultation, due to further irreconcilable differences around wording of the SoCG , primarily around the main point the NWBC that '*As there is no functional relationship between North Warwickshire and the Black Country it is not considered that North Warwickshire will deliver towards the housing shortfall identified in the Black Country.*' There remained a number of issues and areas where agreement was still being sought with a

number of local authorities. Most significantly there remained no agreed approach to accommodating the remaining shortfall across the GBBCHMA or other closely related Local Planning Authorities with an agreed functional relationship, or an agreed position on the scale of the shortfall to be planned for post-2031 with varied positions being taken on the emerging post 2031 shortfall from the Black Country.

- 3.6 In addition, North Warwickshire have not agreed to sign the Joint GBBCHMA SoCG because of the inclusion of Appendix 2 from the Growth Study 2018, which retained an earlier indication of housing capacity for the GBBHMA which didn't adequately reflect the actual 3790 housing contribution that North Warwickshire Borough Council had already committed to within their adopted Local Plan, and to which the borough had already signed a Memorandum of Understanding with Birmingham City Council.
- 3.7 Subsequently, South Staffordshire council undertook the consultation on a Publication Plan (Regulation 19) in November 2022 with the intention being that this would be the final draft Local Plan prior to submission of the Local Plan to the Secretary of State, for independent examination. However, significant proposed changes to national planning policy published in December 2022, specifically in relation to Green Belt policy, led SSDC to pause preparation of their Local Plan in January 2023 in order to await clarity on the government's intentions and changes to the National Planning Policy Framework (NPPF), which have subsequently been published in December 2023.
- 3.8 This, therefore, is the second Publication Plan consultation (as noted above the first was held in late 2022), undertaken in response to changes in the National Planning Policy Framework (NPPF) made by the government in late 2023 and more up to date evidence, The SSDC has prepared a revised strategy that reflects the changes to national policy, most notably relating to Green Belt, which will cover the period 2023 to 2041. The Publication Plan and supporting evidence are available to view online at <https://www.sstaffs.gov.uk/planning/planning-policy/local-plan-review>
- 3.9 The April 2024 Publication Plan (Regulation 19) contains the final sites for housing and employment, pitches for Gypsies and Travellers, and new and updated policies which will be used to decide planning applications when it is adopted. In particular, the Plan includes focus on six strategic employment sites, including the West Midlands Strategic Rail freight Interchange (WMI), at Four Ashes near Junction 12 of the M6, I54 and its extension adjacent to the M54 and at a site at M6 Junction 13, Dunston that addresses and contributes to both the Council's and the wider region's needs.
- 3.10 This approach to wider strategic employment needs is welcomed and supported by North Warwickshire. However, a significant change in approach from the earlier Reg 19 Publication Plan has been taken over housing. The earlier level of commitment of delivering 4,000 dwellings towards the unmet needs of the GBBCHMA is unfortunately not to be continued in the current consultation document, with an 84 % reduction of the housing figure from 4000 to 640 units.

- 3.11 This change in approach is being justified on the basis of the updated December 2023 NPPF which indicated that there is no requirement for Green Belt boundaries to be reviewed or changed when Local Plans are being prepared and that it is within authorities' gift to choose to review Green Belt boundaries through the Local Plan, only where they feel that exceptional circumstances for doing so exist and these can be fully evidenced and justified.
- 3.12 SSDC tested new options that considered different levels of growth, based upon capacity led approaches that further limited Green Belt release compared to other options tested, and with a greater focus on the district's most sustainable locations. The District Council's preferred approach was for a capacity-led approach focusing growth to sustainable non-Green Belt sites and limited Green Belt development in larger, "Tier 1 settlements" well served by public transport.
- 3.13 Furthermore, South Staffordshire assert that the delay to preparation of the Local Plan means that the Strategic Growth Study (2018) on which the previous 4,000 home contribution was based is no longer up to date. This assertion is made despite the 2018 Study indicating the unmet need is likely to be increasing, and of concern given the limited housing commitment and delivery since made towards Birmingham's unmet need outside BCC area within other LA's over the last 5 years since the study. The evidence to the Birmingham City Plan Inquiry also identifies a significant net inflow of 1200 workers (in-commuting minus out commuting) from South Staffordshire District, noted in the Birmingham City Commuting & Migration Flows Census Data Analysis of May 2015.
- 3.14 Nevertheless, South Staffordshire state that Proposals for updated evidence considering the housing market area shortfalls and potential growth locations are currently in discussion across the West Midlands Development Needs Group and South Staffordshire is committed to participating in updating the evidence base and considering its findings through future plan-making.

4 Observations

- 4.1 There are concerns that the 2024 Reg 19 Plan's changed approach effectively pushes the issue of addressing Birmingham's unmet need further into the future, which may potentially lead to an increasing level of unmet need needing to be addressed, rather than "positively" and "effectively" addressing that need now, 'justified' on the proportionate evidence available.
- 4.2 Unfortunately, in light of the Governments changes to the NPPF, which was amended to remove the requirement for local authorities to review and alter their Green Belt boundaries when plans are being prepared or updated, if this is the only way of meeting their housing need in full as calculated by the standard method in national planning guidance. This has meant that if local housing need assessments indicate local housing need can be provided outside of the Green Belt then no review of the local Green Belt is seen as necessary. And if review or release of Green Belt is the only option or realistic opportunity to increase the potential supply of housing to address the wider unmet need, this can be avoided and will result in a significant reduction in

available land opportunities to address that unmet need. As indicated in the revised Reg 19 Submission this has resulted in a potential 4000 housing figure being reduced to 640 units or only approximately 16% of that original proposed amount proposed to be delivered in the 2022 Reg 19 Plan.

- 4.3 Members should be aware that this stage of consultation is different to previous stages because it is about the legal soundness of the plan. Has the council prepared the plan positively? Is it justified and effective? Does it comply with national planning policy? Has the Duty to Cooperate been satisfied? Any comments should relate to these issues and will be sent to the independent Planning Inspector who will be appointed to conduct a formal Examination into the plan, which will include public hearing sessions.

5 **In Summary**

- 5.1 The South Staffordshire Publication Plan does address a significant issue of interest to North Warwickshire, that of addressing strategic employment needs which should be welcomed and supported. The Plan addresses South Staffordshire's own local housing needs, and sites for Gypsy and Traveller needs and, albeit on a significantly reduced level, does still include a small contribution towards the wider GBBCHMA unmet housing needs.

- 5.2 In light of the changed NPPF guidance the SSDC Reg 19 Plan is considered legally sound and still positive in addressing the wider strategic employment needs. As a result, it is recommended that support for SSDC's Publication Plan is maintained around the issue of strategic employment needs.

- 5.3 However, North Warwickshire should raise concerns and disappointment around the changed approach towards assisting the unmet housing needs of the GBBCHMA. It is not seen therefore that the Plan is positively prepared, justified or effective especially in light of the previous Reg 19 Publication Plan (i) 2022, and the evidence for that Plan which still exists. It does not adequately address the unmet need in relation to the housing shortfall for the Greater Birmingham and Black Country housing market area. The resulting major reduction in the housing proposed to address that unmet need within the latest Reg 19 Publication Plan, will have an impact on the level of unmet need remaining overall, increasing pressure on other adjoining authorities future local plan reviews, particularly where major accommodation of that need has already been committed to by those authorities.

- 5.3 Members views are requested.

6 Report Implications

6.1 Environment and Sustainability Implications

6.1.1 Although there may be environmental impacts from the South Staffordshire District Local Plan generated development, these will not directly impact on North Warwickshire Borough and may have the benefit of reducing pressure on the Borough to accommodate further development.

6.2 Equalities Implications

6.2.1 By providing enough homes, particularly affordable homes, and employment land are key measures to address inequality.

6.3 Financial Implications

6.3.1 There are not considered to be any direct financial implications as a result of this Report, beyond cost involved in representing the Borough Council at any resultant Public Inquiry, if required.

6.4 Links to Council Priorities

6.4.1 The Council's priority of protecting its rural character and heritage is put at risk through increased development pressures in the event of other authorities within the GBBCHMA not adequately addressing the wider unmet need.

The Contact Officer for this report is Mike Dittman (719499).

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

**Report of the
Head of Development Control**

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 10 June 2024 at 6.30pm in the Council Chamber

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
7/a	PAP/2024/0059	1	32 Sycamore Avenue, Polesworth Erection of a single storey disabled access extension to provide additional bedroom and level access bathing facilities	General
7/b	PAP/2024/0134	8	Cow Lees, Astley Lane, Astley Proposed development of specialist care home (Use Class C2) and removal of steel framed building	General
7/c	PAP/2024/0029	17	Millfield, Common Lane, Corley Demolition of existing dwelling and erection of two detached dwellings	
7/d	PAP/2023/0567	32	Land 500 Metres South East Of Lea Marston Shooting Club, Haunch Lane, Lea Marston Construction of an earth bund and timber screens for noise mitigation (including footpath diversion of M23)	

General Development Applications

(7/a) Application No: PAP/2024/0059

32, Sycamore Avenue, Polesworth, Tamworth, B78 1NE

Erection of a single storey, disabled access extension to provide additional bedroom and level access bathing facilities, for

North Warwickshire Borough Council

Introduction

This Board report is to confirm action taken with the agreement of the Board Chairman, the Opposition Planning Spokesperson and the two local Members. The Council is the applicant.

The Site

This is the end property of a run of terraced properties at the cul-de-sac here within a wholly residential area as illustrated at Appendix A. The nearest neighbour is at right angles to the site.

The Proposal

This is to add a single storey extension to the side and rear of the house in order to accommodate accommodation for a disabled occupier. The plans are at Appendix B.

Development Plan

The North Warwickshire Local Plan 2021 - LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

Representations

None received.

Observations

As the Council own the property, this application would have been referred to the Board for determination. That was anticipated for the Board's April meeting. However, the receipt of an amended plan just before the date of the publication of the agenda required re-consultation and thus the matter would normally be referred to the next meeting - in May. As Members are aware, the May meeting has been re-scheduled to much later in the month leaving a lengthy interim period. The time period for the grant funding of the works thus came into question. As a consequence, given that the proposal accorded with Development Plan policy and there were no representations

submitted, the Chairman and other Members as identified above, agreed that the decision should be delegated to officers with a report to the May Board to confirm the action taken.

A copy of the Notice is at Appendix C.

Recommendation

That the Board confirms the conditional grant of planning permission in this case.

APPENDIX A

PAP/2024/0059

32, SYCAMORE AVENUE, POLESWORTH, WARWICKSHIRE, B78 1NE

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Centre Coordinates: 426347,301674
Production Date: 09/01/2024 13:21:42



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0m 1cm = 12.5m 62.5m
Scale 1:1250



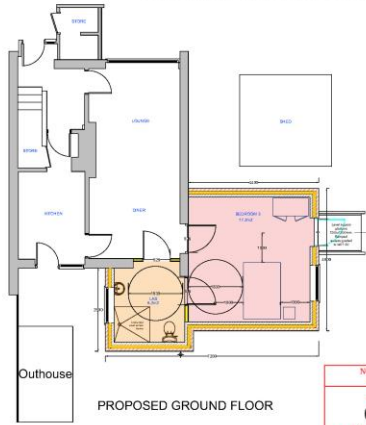
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BOROUGH COUNCIL
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DIVISION



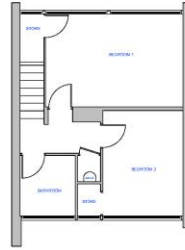
DFG Alterations - Proposed Floor Plans and Elevations - Concept 2 (Planning)

APPENDIX B

PAP/2024/0059



PROPOSED GROUND FLOOR



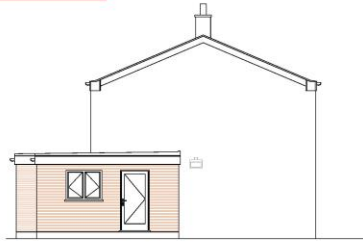
PROPOSED FIRST FLOOR

NORTH WAIRWICKSHIRE
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APPROVED
09/04/2024
UNDER THE PROVISIONS OF
THE TOWN & COUNTY PLANNING ACTS
**SUBJECT TO CONDITIONS
ON NOTICE**

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03/04/2024
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DIVISION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

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Drawing Stage
CONCEPT

Revisions

**INSIGHT
SURVEYORS**



Client
NABCEL

Project
Ground Floor Extension
32 Sycamore Avenue
Polesworth
Tamworth
B78 1NE

Title
Proposed Layouts and
Elevations - Concept 2

Date | April 2024
Scale | 1:50 @ A1
Drawn | GS
Drawing No | 351122SA/005



North Warwickshire
Borough Council

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Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 09 April 2024

NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
09/04/2024
UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACT 1990
SUBJECT TO CONDITIONS
ON NOTICE

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Full Planning Application

Application Ref: PAP/2024/0059

Site Address

32, Sycamore Avenue, Polesworth Tamworth, B78 1NE

Grid Ref:

Easting 426344.18
Northing 301670.41

Description of Development

Erection of a single storey, disabled access extension to provide additional bedroom and level access bathing facilities

Applicant

Angela Coates North Warwickshire Borough Council

Your planning application was valid on 5 February 2024. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

- 1.The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

- 2.The development hereby approved shall not be carried out otherwise than in accordance with the approved plans:

20240403-Proposed-005_C2

As received 03/04/2024.

Authorised Officer: _____



Date:

9 April 2024

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3.The new works shall be carried out with materials to closely match the existing building in colour, coursing, and texture.

REASON

In the interests of the amenities of the area and the building concerned

INFORMATIVES

1. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
2. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

Authorised Officer: _____



Date: 9 April 2024

2. As this is a decision to grant subject to conditions for planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: 

Date: 9 April 2024

General Development Applications

(7/b) Application No: PAP/2024/0134

Cow Lees Nursing Home, Astley Lane, CV12 0NF

Proposed development of specialist care home (use C2) and removal of steel frame building, for

Mr John Sullivan

1. Introduction

- 1.1 The receipt of this application is reported to the Board at the present time for information and a full determination report will follow in due course. The purpose of this report is thus to provide an early outline of the proposal and to highlight the main planning matters to be considered later.
- 1.2 Members have already visited the site and a note of that visit is at Appendix A.
- 1.3 As the proposal is in the Green Belt and for inappropriate development, should the Council be minded to support the scheme, it will first have to be referred to the Secretary of State to see if he wishes to call-in the application for his own determination. There would be no need for referral if the Council refuses planning permission.

2. The Site

- 2.1 The existing care home is located on the south side of Astley Lane almost two and a half kilometres east of the Astley crossroads and more or less opposite the junction with Bedworth Lane on the road into Bedworth. There is a collection of farm buildings, residential properties and industrial occupiers of former agricultural buildings at Sole End Farm around 500 metres to the north-west, otherwise the surrounding land is wholly agricultural in character with a significant amount of woodland in the area.
- 2.2 The Location plan is at Appendix B and an aerial photograph is at Appendix C.
- 2.3 The existing care home is set back from the road largely behind a well landscaped frontage and there is a significant woodland belt running along its northern boundary. It consists presently of three main buildings - the former Victorian villa first converted to a care home in 1989; a second block constructed in 2003 with a more substantial third block in 2012. There is also a small group of storage buildings to the south. The photograph at Appendix B clearly illustrates all of these existing buildings.
- 2.4 The photographs at Appendix D illustrate the three main building blocks identified above.

- 2.4 The application site itself is a field immediately to the south of the main complex of buildings which contains the storage buildings referred to above, close to the Lane. This site has a separate access onto Astley Lane. The site is at Appendix B

3. The Proposals

- 3.1 In short, the proposal is for the construction of a three and a half -storey block on the land to the south involving the demolition of the storage buildings.
- 3.2 It would run parallel with the road but be set back some way to enable a 20-space car parking area to be provided between it and the Lane. It would be up to 14 metres to the tallest section of its ridge, thus enabling the attic space to be used as well. This is taller than the existing buildings on the site, but because of the drop in ground levels between the existing site and that of the proposal, the ridge lines would “match” those of the established buildings. The facing materials would be brick and tile with some rendered sections. As with other buildings here, one elevation – in this case, the rear south facing one - would be heavily fenestrated.
- 3.3 All access for staff and visitors would be via the existing access to the Care Home from the entrance off Astley Lane to the north, opposite the junction with Bedworth Lane. An extended drive would run around the established buildings and give access to the car park referred to above. The existing access in this part of the site, would be used for deliveries and service vehicles only.
- 3.4 The current proposals relate not just to an “extension” of the accommodation at the site but are connected to a review of the accommodation and management of the whole site. The original care home in the original house is now no longer suitable for continued use because of changes in relevant Social Care legislation and the specifications for such accommodation. This has required a detailed review of the current operations - for instance, the specifications for private bedroom accommodation and the need for significant storage space. Additionally, there has been a substantial increase in the need for such accommodation and in particular the need to accommodate space for “early on-set dementia” patients as well as for appropriate palliative care. The supply of such accommodation is said to be limited and not keeping up with the need. The application is thus the outcome of an overall review of the site’s accommodation.

In short, the accommodation within the original house needs to be either lost or relocated and the space put over to storage, office and other ancillary functions. The applicant has elected for re-location and that would be to a new building, with such a move being combined with the opportunity to expand the range of care-home accommodation to be provided.

- 3.5 There are presently 72 bed spaces on site, with the loss of 18 as a consequence of the relocation. The proposal contains 42 resulting in a net gain of 24 bed spaces.
- 3.6 Supporting documentation submitted with the application includes the following.

- 3.7 A Transport Assessment describes the existing access arrangements as well as outlining the possible traffic generated by the overall proposals given the staff shift patterns and expected visitor numbers. It concludes that there would be around 7 extra two-way movements in the morning peak hour period and two in the afternoon one. It concludes that there would not be a “severe” impact on the local highway capacity, or an increase in road safety concerns.
- 3.8 A Bio-Diversity Net Gain Assessment shows a proposed 75% net gain through on-site measures such as additional tree and shrub planting and grassland rather than through lawns and plant beds.
- 3.9 A Design and Access Statement describes how the “brief” outlined in paragraph 3.4 above has been translated into the current proposal.
- 3.10 A further Statement argues that there are planning considerations here which would amount to the very special circumstances necessary to support this inappropriate development in the Green Belt.
- 3.11 The proposed layout is at Appendix E with the elevations at Appendix F.
- 3.12 A street scene is at Appendix G, which shows the proposal with the existing buildings.

4. Development Plan

North Warwickshire Local Plan 2021 - LP2 (Settlement Hierarchy); LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy)

5. Other Material Planning Considerations

The National Planning Policy Framework 2023 - (the “NPPF”)

National Planning Policy Guidance

The Town and Country Planning (Consultation) (England) Direction 2024

6. Observations

- 6.1 The site is in the Green Belt and thus the construction of this new building is inappropriate development, which by definition in the NPPF will cause harm. Substantial weight has to be given to this within the assessment of the final planning balance. The Board will need to establish whether the construction here meets any of the exceptions in the NPPF relating to new buildings and if not, assess the actual level of Green Belt harm.
- 6.2 Other harms will need to be identified. These are likely to revolve around traffic and highway impacts, the appearance and design of the new building and whether the mandatory bio-diversity net gain requirements can be satisfied.

- 6.3 The cumulative Green Belt and any other harms caused will thus have been identified.
- 6.4 The applicant's case will then need to be assessed and his planning considerations identified.
- 6.5 Members will be aware that the final planning balance is an assessment to be made between the weights that are given to the harms caused and to the applicant's planning considerations. The "test" here for this assessment, is whether the applicant's case is of such weight that it "clearly" outweighs the cumulative harms caused, such that it amounts to the very special circumstances necessary for the case to be supported.

Recommendation

That the report be noted.

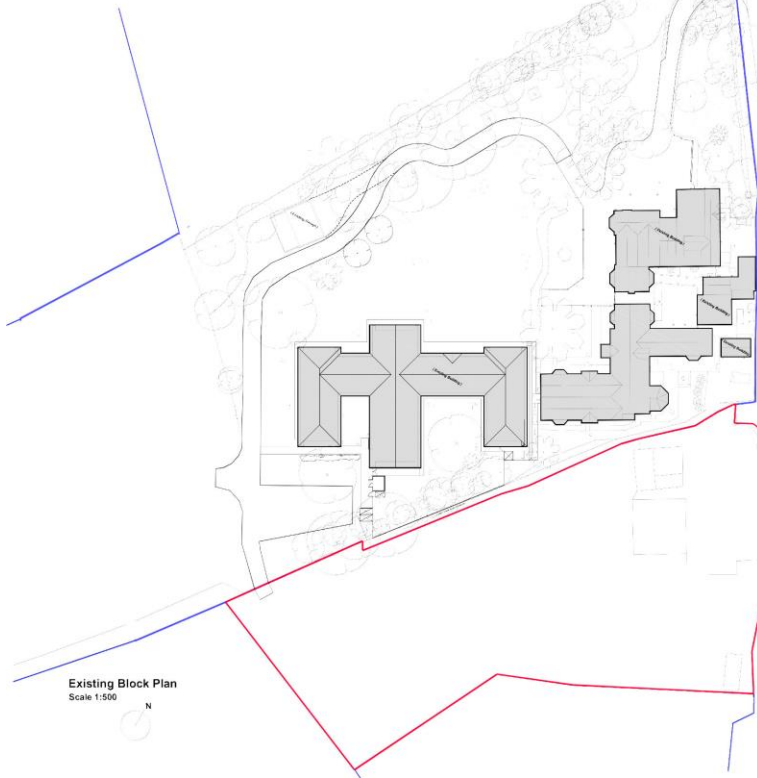
Pre-App Site Visit

Cow Lees Nursing Home, Astley

Saturday 7th October 2023 at 1030

Present: Cllrs Bell, Dirveiks, Reilly, Ridley and Ririe together with J Brown, J O'Sullivan and P Burton

- 1 The meeting had been arranged so that Members could visit the site in advance of a planning application for a new residential block at the Home.
2. Members were given an outline of the use of the current premises and its planning history in respect of its extensions which were pointed out.
3. Members were then advised of the future needs of the Home and how it wished to develop in the future.
4. The original buildings would all remain as would the existing arrangement around the central garden. The proposal was for a new block on the eastern side of the existing range of buildings.
5. Members then walked around to the proposed site where they observed the outlook; the presence of the existing blocks and their fenestration, the trees and levels, the surrounding boundary treatments and the line of the road.
6. The visit concluded at around 1100.



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OS Map Scale 1:1250

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 03/04/2024
 PLANNING & DEVELOPMENT DIVISION

Client:
Mr. J O'Sullivan
 Project:
**Proposed New Development at
 Cowlees Nursing Home
 Astley Lane, Warwickshire cv42 0ae**
 Drawing:
**Existing Block Plan
 and OS Map**
 Drawn By: **RP** Revision: -
 Drawing No: **AP23012-L01** Date: **06.07.23** Scale: **as shown**

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APPENDIX C

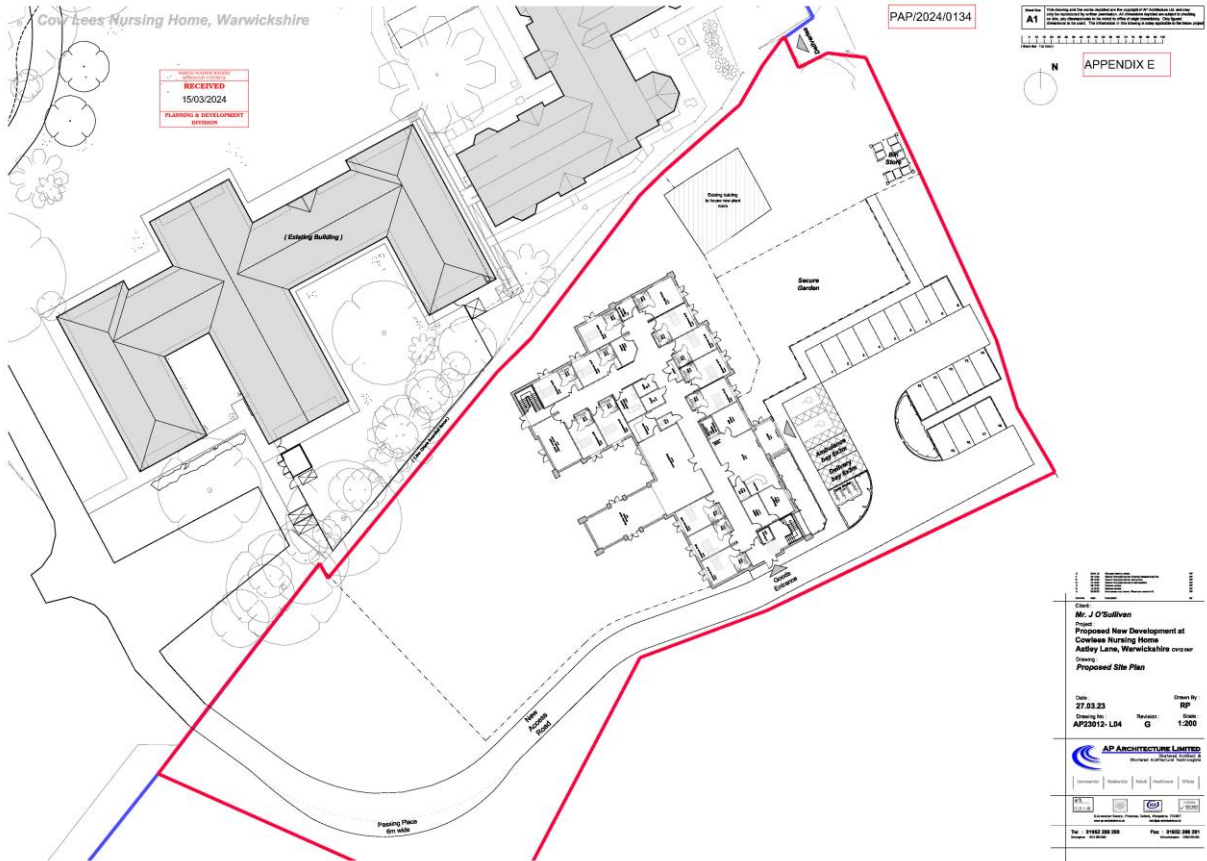


2. The Site

2.2 Site Context and Surrounding Buildings



APA 23012 Proposed Care Home, Cow Lees Bedworth



Cow Lees Nursing Home, Warwickshire



Front Elevation - AA



Side Elevation - BB



Rear Elevation - CC



Side Elevation (Return) - DD



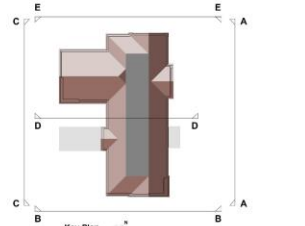
Rear Elevation - EE

APPENDIX F

PAP/2024/0134

A1

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Client: Mr. J O'Sullivan	
Project: Proposed New Development at Cowlees Nursing Home, Ashley Lane, Warwickshire CV35 9JW	
Drawing: Proposed Elevations	
Date: 27.03.23	Drawn By: RP
Drawing No: AP23012-L08	Revision: 1
Scale: 1:100	
11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	
Tel: 01932 288 288	Fax: 01932 288 281
Website: www.ap-arch.co.uk	Registered Office: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

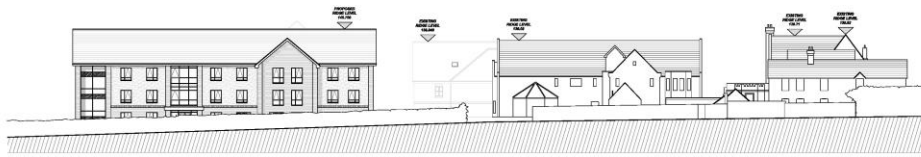
Cow Lees Nursing Home, Warwickshire

APPENDIX G

PAP/2024/0134

A1

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Proposed Street Scene
Scale 1:200



Section KK
Scale 1:1200



Section LL
Scale 1:1200



Key Plan

Client: Mr. J O'Sullivan	
Project: Proposed New Development at Cowlees Nursing Home, Ashley Lane, Warwickshire CV35 9JW	
Drawing: Site Sections and Street Scene	
Date: 12.04.24	Drawn By: BP
Drawing No: AP23012-L08	Revision: 08 shown
11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	
Tel: 01932 288 288	Fax: 01932 288 281
Website: www.ap-arch.co.uk	Registered Office: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

General Development Applications

7/c Application No: PAP/2024/0029

Millfield, Common Lane, Corley, CV7 8AQ

Demolition of existing dwelling and erection of two detached dwellings, for

Mr and Mrs L Ellison

1. Introduction

1.1 This application is referred to the Board at the request of a Local Member concerned about the impact on the Green Belt.

2. The Site

2.1 The application site is a large detached dwelling located to the south of Common Lane in the parish of Corley. The surrounding street scene is a frontage of residential dwellings with an array of architectural styles, characterised by large front gardens. There are wide areas of open countryside to the rear and on the opposite side of the road.

2.2 The location plan is at Appendix A.

3. The Proposal

3.1 Full planning permission is sought to demolish the existing dwelling and erect 2 5 bedroom dwellings in its place. These will each measure approximately 11.3m in width by 10m in depth at the longest part and 9m in depth at the shortest part. The dwellings will have an eaves height of 4.7m and ridge height of 8.5m. The design of the dwellings includes two gable roofs and a balcony to the front of the properties.

3.2 Plans are attached as Appendices B and C.

4. Background

4.1 Planning permission was granted in April 2020 (Ref: PAP/2019/0583) for a first-floor side extension and single storey rear extension including alterations to the roof, front entrance and dormers. This permission, which has now lapsed, proposed to increase the proportion of extensions at Millfield House to approximately 130% over of the original dwellinghouse's volume.

5. Development Plan

North Warwickshire Local Plan 2021 - LP2 (Settlement Boundary); LP3 (Green Belt), LP8 (Windfall Housing), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

6. Other Relevant Material Considerations

National Planning Policy Framework 2023 - (the “NPPF”)

National Planning Practice Guidance - (the “NPPG”)

Supplementary Planning Document: Provision of Facilities for Waste and Recycling for New Developments and Property Conversions (2023).

7. Consultations

Warwickshire County Council Highways Authority- No objection subject to conditions.

Environmental Health Officer - No objection

8. Representations

8.1 Corley Parish Council - It objects referring to the following matters:

- Green Belt spaces are meant to stay just that and not be used as an opportunist way of creating a building plot.
- If the applicant has major concerns with the state of the current property, the Parish Council would not object out of hand for the current dwelling to be demolished and a single new dwelling being built to replace it, obviously subject to a suitable design.
- Planning legislation allows for a certain level of permitted development, this is no way applicable here.
- Planning legislation allows for new dwellings if the site is classed as a brownfield site, this is in no way applicable here.
- Planning legislation does not allow building on green spaces in a Green Belt area.
- Dangerous precedent.

8.2 A representation has been received from a neighbour:

- We do not object to the planned construction. However, as immediate neighbours we request that the properties are demolished and constructed with consideration by minimising noise and nuisance and avoiding damage to our property.

9. Observations

a) Green Belt

9.1 The site is located in Green Belt. This means that the construction of new buildings on this site is considered inappropriate and harmful to the Green Belt unless it can be demonstrated that the proposed development meets the criteria set out in the NPPF and set out in Local Plan policy LP3.

9.2 Paragraph 154 of the NPPF sets out exceptions to inappropriate development involving the construction of new buildings. Paragraph 154(d) says that the replacement of a building would not be inappropriate development providing that the new building is of the same use as the existing building and it would not result in a building which is '*materially larger than the one it replaces*'. The NPPF does not provide any guidance on what may or may not be 'materially larger'. Local Plan Policy LP3 states that each case has to be dealt with on its own merits based on a quantitative and qualitative assessment. Policy LP3 echoes the NPPF which states that the extension or alteration of a building is appropriate Green Belt development provided that it does not result in disproportionate additions over and above the size of the original building (emphasis added). In the Local Plan, a 30% figure is identified as a possible guide as to what might be considered to be materially larger in the Green Belt.

9.3 The replacement dwellings are of the same use as the existing dwelling (Use Class C3) meaning the first condition of paragraph 154(d) is satisfied. The volume would increase from a volume of 840m³ of the current dwelling to 1250m³ for both dwellings (this is 625m³ per dwelling). In terms of volume then the increase is an increase of around 49% of the current volume and an increase of 163% of the original dwellinghouse's volume. In both respects therefore, this is above the 30% figure quoted in the Local Plan. It is considered that the proposed new dwellings are materially larger than the existing dwelling and therefore they represent inappropriate development. The second condition of paragraph 154(d) is therefore not satisfied.

9.4 As a result of being inappropriate development, the proposal carries a de-facto presumption of refusal. It is necessary however to assess the actual level of Green Belt harm. Considering openness in the context of paragraph 154 of the NPPF, the term 'preserve' does not mean that the openness of the Green Belt should be entirely unchanged as a result of development. Preservation refers to the need to ensure that the openness remains unharmed. The NPPG sets out four factors which can be taken into account when considering the potential harm of development on the openness of the Green Belt. These are spatial aspects, visual aspects, permanence and the degree of activity. Each will be looked at in turn.

9.5 There will be a degree of spatial impact by reason of two dwellings replacing the existing one. However it is not considered that the spatial impact of the dwellings would materially harm the openness of the Green Belt in the locality. The proposals are within a frontage of other residential properties and building lines would be equivalent. It would not impact on the very open areas on the opposite side of Common Lane. Additionally, the two proposed dwellings would replace a very wide and large building – see Appendix D. There is thus limited harm on openness in the area.

9.6 There will be a visual impact due to a change in character of the dwelling at Millfield House. However, there is an array of architectural types along Common Lane. Furthermore, the gable roof and balcony that are currently present at Millfield are being replicated within the two new properties. The ridge heights of the dwellings are also below the current ridge of height of Millfield House, as illustrated on Appendix D. As such, it is not considered that there is a significant architectural change at Millfield House as to cause a detrimental visual impact on the Green Belt.

9.7 There is currently a lot of space around Millfield House which does contribute towards the openness of the Green Belt. However, this openness is perceived from within the curtilage of the dwelling. From Common Lane, this openness is not as apparent due to screening from hedgerows, mature trees and a large evergreen tree to the front of the property. It is considered that due to the size of the land within the red line boundary, there will still be space between the two dwellings and neighbouring properties (Windy Ridge and Mill Cottage) so as to maintain this openness within the curtilage.

9.8 The new dwellings would be permanent and not temporary. Regarding degree of activity, this is considered to increase. However, as residential use will continue and given there will only be a net increase of one dwelling, it is not considered that this will cause a detrimental material harm to the openness of the Green Belt

9.9 In bringing all of these matters together, officers consider that there will be Green Belt harm caused by virtue of the proposal being inappropriate development but that the degree of actual Green Belt harm caused will be limited.

b) Other Harms

9.10 It is now necessary to assess whether there would be any other harm caused.

9.11 In terms of character and appearance, Local Plan Policy LP30 (Built Form) states '*All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.*'. The proposed dwellings will maintain the gable roof and the balcony which is currently an architectural feature of Millfield House. The design of the dwellings is sympathetic to the existing dwelling so as to ensure there is not a substantial change in the architectural style. There is an array of dwelling types along Common Lane, with many of them set within larger curtilages. The garden area to the front of the property will remain and the properties will be set back from the highway by approximately 30m. This will help to preserve the character along Common Lane of dwellings being set back. Overall, officers are content that the design accords with LP30.

9.12 In respect of residential amenity Local Plan Policy LP29 (Development Considerations) point 9 states that development should '*avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution*'. There are two neighbours which may be affected by the proposal; Windy Ridge and Mill Cottage. There are no neighbours to the front of the site nor to the rear of the site. One new property is close to Mill Cottage. Mill Cottage is set back from Common Lane by 64m and is set back behind the rear elevation of Millfield House. As such, the position of Mill Cottage means that there will be minimal impact on the privacy of residents at Mill Cottage. There are no windows in the side elevation of Property 1 that will face onto Mill Cottage's curtilage. The windows in the rear elevation do not pose an adverse impact on the privacy of Mill Cottage given the windows that currently exist in Millfield House. There is a separation distance of at least 35m with a line of mature trees which are to be retained. This will minimise any perceived overlooking on Mill Cottage. The other property is closest to Windy Ridge. The context here is a little different to Mill Cottage in that this property and Windy Ridge's front elevations will be in line with each other. There will be a separation

distance of approximately 3m. The current separation distance is 9.5m therefore, this reduction will be noticeable for the residents of Windy Ridge. There are no windows in the side elevation of the property that will face onto Windy Ridge therefore from a privacy perspective, ensuring there will be a negligible impact. The garden of Windy Ridge is south facing. South facing gardens tend to get very little shade therefore, it is not considered that the proposal will cause an adverse impact on overshadowing. Furthermore, there have been no objections from the neighbours.

9.13 There is not a specific policy within the Local Plan which sets out desired garden dimensions however, the usual standards that are applied are 25m² per bedroom. For a five bedroom house, the expected garden size would be approximately 125m². Published guidance by the Government sets out the minimum private (rear) garden size is 100m² for most dwellings, particularly those which are 3 bedrooms or more. Due to the size of the site, there is adequate garden space afforded to both of the proposed properties. Property 1 will have approximately 1,010m² of garden space and Property 2 will have approximately 620m² of garden space. This is above the guidance and will enable residents of both dwellings to have a good quality of amenity space.

9.14 In respect of highways Local Plan Policy LP29 (Development Consideration) point 6 states that development should '*provide safe and suitable access to the site for all users.*'. Policy LP34 (Parking) requires development proposals to have particular regard to adequate vehicle parking provision. This requires two spaces per residential property over 2 dwellings. There are no concerns regarding the impact of the proposal of parking provision. The dwellings will be set back from the road with a sufficient private driveway to the front of each property to allow for two vehicles to park. Given that there is to be a net increase of only one dwelling, it is not considered that there will be a substantial increase in cars as to cause an adverse highways impact. Furthermore, there have been no objections from Warwickshire County Council Highways Authority subject to the imposition of standard conditions. Given the location of the development, it is considered that the conditions from the Highways Authority are appropriate. Such details will also help to ensure that car parking does not impact on the openness of the Green Belt.

9.15 In respect of bio-diversity, there are a number of established trees in the curtilage of Millfield House. The proposals show that these are to be retained. Warwickshire County Council's Arboriculturalist has reviewed the plans and commented that as the trees are to be retained, a BS5837 Arborist Report should be submitted which would document if any of the retained trees would come into conflict within the design, (mainly Rooting Protection Area). However, it is officer's opinion that as the footprint of the two dwellings is similar to the footprint of the existing dwelling, that there should not be an issue.

9.16 In respect of other matters then in accordance with the Waste and Recycling Facilities SPD, there is ample storage around the property to ensure that bins will not be visible from the street and will not be stored permanently on the adopted public highway. There is a clear, flat access without steps or obstacles from the proposed dwellings to the public highway. Bin storage is clearly illustrated on the Proposed Site Plan (P002/2024). The proposal therefore accords with the SPD. In order to ensure that storage facilities will remain available, we will be adding a condition to the decision.

c) The Harm Side of the Planning Balance

9.17 As a consequence of all of these matters it is considered that the harm side of the planning balance comprises the definitional Green Belt harm caused by the proposal being inappropriate development and the limited actual Green Belt harm caused, there being no other harms.

d) Material Planning Considerations

9.18 As Members are aware the planning balance here is an assessment of the harms caused against the considerations that weigh in favour of the development. It is considered that there are two.

9.19 The first is that the proposed dwellings would be classified as a windfall housing in accordance with policy LP8 (Windfall Allowance). Paragraph 70 (d) of the NPPF states that to promote the development of a good mix of sites, local planning authorities should *'support the development of windfall sites through their policies and decisions- giving great weight to the benefits of using suitable sites within existing settlements'*. This would thus be a benefit arising from this proposal.

9.20 The second is that there is a "fall-back" position here. There has been a previous planning permission for extensions to Millfield House (Ref: PAP/2019/0583) that if implemented would increase the volume of Millfield House from 475m³ to 1,100m³ which is an increase of 130% from the original dwellinghouse as built. The Officer's Report concluded that such an increase in the volume of Millfield House as a result of side and rear extensions would not have a significant impact on the openness of the Green Belt. The current proposal is for a further 49% increase in volume from the current volume. Whilst a further increase in volume could be regarded as contrary to LP3, it is considered that the impact is reduced by the fact the increase will be spread over two dwellings with a gap in between. The previously approved extensions were to result in one large built mass. It is considered that this situation is material and that it carries significant weight.

e) The Final Planning Balance

9.21 Members are aware that in the final planning balance, they need to assess whether the weight given to the material planning considerations as set out above "clearly" outweigh the harms caused on the other side of the balance. It is considered that in this case they do because of the limited actual Green Belt harm caused.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans and drawings titled:
P002/2024 Rev A, Site Plan Proposed, received by the Local Planning Authority on 16/02/2024.
P003/2024 Rev A, Street Scenes Approved & Proposed, received by the Local Planning Authority on 16/02/2024.
P004/2024, Floor Plans & Elevations Proposed, received by the Local Planning Authority on 16/02/2024

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Pre-Commencement Conditions

3. No works shall commence to construct the external surfaces of the building(s) hereby permitted until samples of the
 - (a) red facing bricks
 - (b) rendering including colour
 - (c) roofing tiles including colour
 - (d) guttering and drainage
 - (e) window and door details including type and colourto be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the visual amenities of the area.

4. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:
 - i. The routing and parking of vehicles of HGVs, site operatives and visitors;
 - ii. Hours of work;
 - iii. Loading and unloading of plant/materials.

- iv. Storage of plant and materials used in constructing the development.
- vii. A scheme for recycling/disposing of waste resulting from construction works.
- viii. Details of the contact for any local concerns with the construction activities on the site.

REASON

To protect neighbouring amenity and the public highway during construction.

- 5. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highways safety.

Pre-Occupation Conditions

- 6. No dwelling shall not be occupied until the scheme in condition 5 has been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of highways safety.

- 7. The development shall not be occupied until the existing vehicular access to the site has been widened to a minimum width of 5 metres for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON

In the interests of highways safety.

- 8. The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway.

REASON

In the interests of highways safety.

9. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the west and 160 metres to the east measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highways safety.

Ongoing Conditions

10. No development whatsoever within Class A, Class AA, Class B, Class C, and Class E of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the Green Belt and to preserve the openness of the Green Belt.

11. No gates, barriers or means of enclosure shall be erected or retained across the vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

REASON

In the interests of Highways Safety.

12. A bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling as shown on the approved Site Plan Proposed (P002/2024 Rev A). The storage facility shall remain permanently available for that purpose at all times. A hardstanding pick up point shall be provided adjacent to the public highway for bin collection days.

REASON

To ensure that there is adequate provision for access for domestic waste collections.

Notes

1. The proposal does not appear to be on land that is known or suspected to be contaminated due to former land use. In the event that land contamination including ground gases, is found at any time when carrying out the approved development it must be reported in writing immediately to the Planning Authority.
2. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
3. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information
5. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
6. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
7. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588

8. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
9. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coalauthority
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

Appendix A

Location Plan
Site Address: Millfield, Common Lane, Corley, CV7 8AQ

PAP/2024/0029



Date Produced: 16-Jan-2024

Scale: 1:1250 @A4

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
16/01/2024
PLANNING & DEVELOPMENT
DIVISION



Planning Portal Reference: PP-12720509v1



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Appendix B



PAP/2024/0029

KEY:
 - - - - - OUTLINE OF APPROVED FOOTPRINT
 - - - - - OUTLINE OF EXISTING HARDSTANDING

PLANNING & DEVELOPMENT
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 16/02/2024
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PRELIMINARY

mha.	
CLIENT LLOYD ELLERSON	PROJECT MILLFIELD HOUSE COMMON LANE CORLEY
DRAWING TITLE SITE PLAN PROPOSED	
SCALE 1:250 @ A1	DATE MARCH 2021
DRAWING NUMBER P002/2024	REVISION A

Appendix C

PLOT 1



PAP/2024/0029

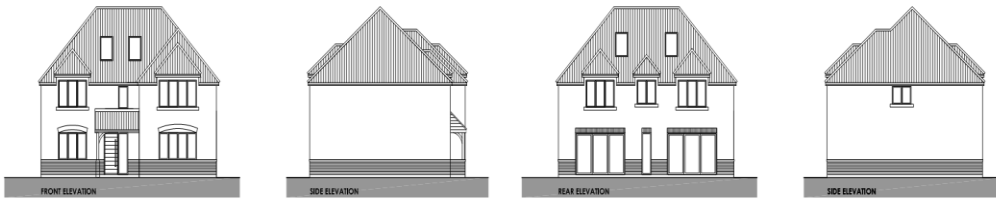
WYOMING COUNTY
RECORDS CONTROL
RECEIVED
16/02/2024
PLANNING & DEVELOPMENT
DIVISION

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PRELIMINARY



PLOT 2



REVISION DESCRIPTION DATE

mha.

CLIENT: LLOYD ELLISON
PROJECT: MILLFIELD HOUSE
COMMON LANE
CORLEY

DRAWING TITLE:
FLOOR PLANS & ELEVATIONS
PROPOSED

SCALE: 1:50	DATE: 16/02/2024
DRAWING NUMBER: P04/2024	REVISION: -

Appendix D

PAP/2024/0029

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PRELIMINARY



RECEIVED
16/02/2024
PLANNING & DEVELOPMENT
DIVISION

VERSION	DESCRIPTION	DATE
mha.		
CLIENT	PROJECT	
LLOYD ELLISON	MILLFIELD HOUSE COMMON LANE CORLEY	
DRAWING TITLE		
STREETSCENES APPROVED & PROPOSED		
SCALE	DATE	
1:500 @ A1	MARCH 2024	
DRAWING NUMBER	REVISION	
P003/2024	A	

General Development Applications

7/d Application No: PAP/2023/0567

Land 500 Metres South East Of Lea Marston Shooting Club, Haunch Lane, Lea Marston,

Construction of an earth bund and timber screens for noise mitigation (including footpath diversion of M23) for

Mr Guy Breeden - Lea Marston Shooting Club

Introduction

This application is being reported to Board because it requires a legal agreement if the recommendation is agreed.

This current application is for the noise bund and should be determined on its own merits.

The Site

The site lies within the Green Belt and is accessed from Blackgreaves Lane. It is situated adjacent to Blackgreaves Farm. The lane runs along the northern boundary of the site, with a cricket ground and a golf course linked to the Lea Marston Hotel on the northern side together with agricultural land to the south. There are residential properties to the west in converted barns of the original Blackgreaves Farm. The site is established for clay pigeon shooting.

The immediate surroundings are illustrated at Appendix A an aerial view of the site.

The Proposal

The application (PAP/2023/0567) relates to the construction of an earth bund and timber screens for noise mitigation (including footpath diversion of M23). The overall design of the bund is laid out with the aim of noise mitigation. The height and position of the bund is based on the noise modelling carried out. The footprint and slope gradient have also been determined by stability modelling.

The extent of the proposed bund is shown at Appendix B and site sections are shown at Appendix C.

The application includes:

- a) A supporting planning statement
- b) A Design and Access Statement
- c) A landscape and visual assessment along with a landscaping scheme
- d) A noise assessment
- e) A preliminary ecological appraisal.

The noise bund would be 10m high and some 400m long. The proposal also includes acoustic fencing between 3 to 5 metres high close to the boundary with Blackgreaves Lane. The proposals aim to mitigate the potential noise impacts experienced in the village of Lea Marston to the south east.

Background

Both the fishing pools and clay pigeon shooting are lawful uses. A number of steel storage containers and structures still exist at the site without the benefit of planning permission. These appear to have been present for a number of years.

The site operates under the terms of an Agreement related to a Noise Abatement Notice. This Notice came into force in early 2022. It is subject to an on-going Court case.

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP18 (Tame Valley Wetlands NIA including Kingsbury Waterpark), LP23 (Transport Assessment and Travel Plans), LP27 (Walking and Cycling), LP29 (Development Considerations) LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Other Relevant Material Considerations

Planning Practice Guidance (PPG)

National Planning Policy Framework 2023 (NPPF)

Noise Policy Statement for England 2010 (NPSE)

North Warwickshire Landscape Character Assessment 2010

Consultations

Ramblers Association – No objection in principle subject to appropriate routing

Warwickshire Highway Authority – Objection concerns over construction details, no details have been provided in terms of size of vehicles and numbers and a HS2 access is stated but no details are shown.

Warwickshire Archaeology - No objections subject to conditions

Warwickshire Lead Local Flood Authority - No objection

Warwickshire Rights of Way Team - No objection in principle

Warwickshire Ecology – No objection subject to conditions

NWBC Environmental Health Officer – No objection to the proposal

NWBC Conservation Officer – No objection

Representations

Lea Marston Parish Council objection on the following grounds:

- 1) The development is inappropriate development and no special circumstances have been made.
- 2) No advertising or leisure use should take place next to the bund or on the bund.
- 3) Concerns over construction traffic and HS2.
- 4) Note intentions to extract minerals, this must be done in compliance with Warwickshire Minerals Plan.
- 5) NWBC should commission noise consultant
- 6) Incorrect distance reported between the shooting site and the village. This must not impact on noise mitigation impact.
- 7) Minerals extraction may lead to increased flooding on Haunch Lane which impacts on Coton Road and Marston.

Nether Whitacre Parish Council object on the following grounds:

- 1) The final engineered design is not complete. You cannot agree something like this in principle. Its visual appearance and effect on the Green Belt are paramount.
- 2) The applicant was required to install noise barriers in 2016 and no bunding was erected, little faith that the bund would be provided.
- 3) Application requires sand and gravel extraction which would delay the construction of the bund. This is unacceptable to residents in Lea Marston and Whitacre Heath.
- 4) Landscape and Visual Impact Assessment shows incorrect distance to Lea Marston. This affects calculations on noise nuisance, there is no recognition that the shooting ground is elevated.
- 5) Noise report claims noise would be at least 5dB-10dB lower reducing noise levels, but this will not bring down the noise levels to 65dB. The proposed level of reduction is unsatisfactory.
- 6) The bund is not appropriate development in Green Belt.
- 7) Proposed bund 10m high and 400m long is enormous and would create a new landform clearly visible affecting the openness of the green belt and would scar the landscape and would result in encroachment into the countryside.
- 8) Construction traffic is of concern with the limits of HS2.
- 9) Application indicates 10 jobs created, this is not supported in evidence.
- 10) Note footpath M23 crosses the site, the proposed diversion is supported.

There have been 21 letters of objection to the proposal, raising issues in respect of following:

- Drainage from the site is causing flooding on Haunch Lane a comprehensive drainage plans is required.
- There is no noise mitigation to the north, the proposal will increase noise problems here.

- Not convinced that the noise mitigation will effectively reduce the noise nuisance to the levels to avoid significant impacts on health and quality of life.
- Reducing noise levels by 5-10 dB will not contribute to the improvement in health and life to the residents of Lea Marston when recording of 80 and 90 dB have been recorded on shooting days.
- A noise nuisance is considered to be anything above 55 dB. Noise over 80 dB for a prolonged period starts to impact on your hearing. Mitigation should lead to a reduction to 55dB or 65dB.
- The noise bund should not lead to an increase in the hours of operation to the those previously endured.
- The extent of the bund and landscaping is not clear enough.
- In 2014 in Court concluded the LMSC were allowed to shoot if they erected noise bunds. 10 years later the bund have not been erected together with the expansion of the shooting club.
- There is an error on the landscape report which indicated Lea Marston is 0.9m away, it is only 0.45m away.
- Acoustic report provided by an objector indicates that the noise impact will be worsened by the proposal for Lea Marston Village.
- The current operation on the site and its impact on the public right of way is contrary to guidance in the “Clay Target Shooting Guidance on the Control of Noise” (Chartered Institute of Environmental Health).
- Preliminary Ecological Appraisal is inconclusive in a number of areas in respect of amphibians and great crested newts.
- Bund will be a licence to increase the frequency of shoots.
- Object to the diversion of the footpaths as it would inconvenience users.
- Construction management concerns in respect of highway routes, noise and disturbance and hours of operations.
- When is date for start of the bund and completion?
- Bunds will have a detrimental impact on the landscape and views from Lea Marston.
- The reduction in noise levels is not worth the disrupt and impact that the bunds will create to the openness of the Green Belt.

One letter of support has been received:

- Support the application for the bund as long as it reduces the shooting noise in Lea Marston village.
- Use the footpath a lot so its retention is needed.

Observations

a) Introductory Remarks

The application proposed indicates the full extent and height of the noise bund around the shooting facility - see APPENDIX B and C. Comments have been raised by residents that the precise position and extent of the bund is not known and therefore the application cannot be determined. However, clarification from the applicant indicates that the extent and height of the bund are as submitted, therefore the impact on the landscape, green belt and visual amenities can be assessed as part of the application.

b) Green Belt

The site lies within the Green Belt and so any development proposal should accord with advice contained within Local Plan policy LP3 and the NPPF. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposal is for acoustic fencing and noise bunds these come under separate paragraphs of the NPPF. Firstly, in terms of the fencing paragraph 154 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under one of the listed exceptions. One of these exceptions and not therefore to be considered inappropriate development is the: 'provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.' However, the proposed acoustic fencing is not considered to be "appropriate facilities" and does not meet these listed exceptions.

In terms of the bunding paragraph 155 indicates that other forms of development are also not inappropriate provided they preserve its openness (paragraph 142) and do not conflict with the purposes of including land within it (paragraph 143). The bund is considered to be an engineering operations and therefore meets these exceptions.

It is therefore necessary to assess the impact in terms of para 142 and 143. To assess the harms to the openness of the Green Belt the spatial, visual, degree of activity and permanence are elements to be considered. Firstly, spatially the size and land take of the bund will encompass a large area of land affecting the area spatially. Visually, views of the bund from public footpaths and the roads in vicinity will lead to harm. In terms of the degree of activity the bund will enclose the shooting activity that takes place and draw footpath users around the existing established shooting activities that take place. The bund will be permanent will create a change to the area.

In terms of the whether there is conflict with purposes of the Green Belt, the proposal would conflict with criteria c) in respect of whether the proposal would assist in safeguarding the countryside from encroachment. The proposed development would conflict with this.

Overall, there is moderate significant harm here to the Green Belt from the bund and acoustic fencing, albeit the visual harm is localised to the area by virtue of the established boundary treatment along Blackgreaves Lane and Coton Road. The proposal is clearly inappropriate development and therefore under paragraph 153 substantial weight should be given to any harm to the Green Belt.

c) Other harms

i) Noise Implications

There is no express planning permission for clay target shooting here and thus there are no planning restrictions. The current use is immune from planning enforcement action because of the lapse of time. The proposed bund constitutes an option to reduce noise emissions at the closest noise sensitive dwellings and within Lea Marston Village.

Recently, noise emissions from the use of the site have been controlled through Noise Abatement Notices issued under the Environmental Protection Act. However, these have not always met the expectations of residents in terms of reducing noise and disturbance. As it stands at present, further noise mitigation is necessary to reduce the impact on the neighbouring properties - hence the current application.

The proposed development will involve the construction of a new earth bund proposed to a height of 10m as well as acoustic fence screening to a height of 3m and 5m towards the north of the site. The submitted details identify a noise model based on the actual measured levels, both on site and within the community. This provides a robust analysis to estimate noise reductions as a consequence of the proposed measures.

As the Club already has an established planning use, the implementation of the proposed acoustic bunding and more localised screening may reduce shooting noise levels from clay target shooting by around 5dB to 10dB at the closest noise sensitive receptors within Lea Marston Village, depending on their location. The modelling suggests that this represents a clearly perceptible and noticeable reduction in shooting noise levels which depending on residential location, of up to 10dB would represent a halving of perceived loudness. This represents a tenfold reduction in sound energy when comparing shot levels with and without the bund.

In summary, the noise modelling indicates that the implementation of bunding and localised screening will contribute to an improvement to the acoustic environment in relation to the shooting noise levels currently affecting existing residential receptors. The implementation of the bunds will contribute to the mitigation of noise but also contribute to the improvement of health and quality of life of existing residents. All this has been agreed by our Noise Consultant their response is attached at Appendix F.

Whilst the proposed development does not seek to introduce new noisy activity or introduce new noise sensitive uses to an existing area affected by noise from clay target shooting, the proposed installation of the bunds and screening provides an opportunity to make improvements to the existing acoustic environment of residents within Lea Marston. It is clearly a significant consideration in respect of the application.

ii) Landscape Harm

The site does not contain any statutory landscape designations. It falls within the "Middleton to Curdworth Tame Valley Farmlands Landscape" area as defined in North Warwickshire's Landscape Character Assessment of 2010. This is described as characterised by "gently undulating and open arable slopes of the western Tame Valley, a number of small watercourses cut through the landscape to connect to the Tame, the most notable being the Langley Brook, which flows to the south of Middleton." It goes

onto to say that there are number of golf courses in the area and “A few quiet and winding narrow lanes link the settlements, in places these have close hedges and hedge banks, and elsewhere hedges have been removed allowing open views across fields.” Further to this it indicates that “A general lack of woodland and tree cover in combination with the sloping landform creates an open empty feel to this landscape, except within the immediate vicinity of the small villages/hamlets.” Amongst the landscape management strategies referred to are the maintenance and conservation of the primary hedge lines and their positive management as landscape features together with new hedgerow planting and enhanced tree cover.

Following gravel extraction, few areas of traditional landscape remain and further pressure from HS2 approximately 600 metres to the west of the site would also have an urbanising effect. Though the immediate surroundings appear to be attributed to leisure pursuits encouraging access to the countryside, this is noted by the golf course north of the site at Lea Marston Hotel.

The site is relatively self-contained visually. This is assisted by existing landscaping along the boundaries with Haunch Lane and Blackgreaves Lane. However, the development is substantial in size, scale and extent. As a consequence, the impacts are considered to have moderate impact on the landscape of the surrounding area by the large and extensive bund.

The proposed scheme is accompanied by a Landscape and Visual Impact Assessment It concludes that:

“The potential effects of a large-scale earth bund could, to some extent, be mitigated by advanced planting of native tree and shrub species to the southern, eastern and western edges of the application site and following construction of the earth bund, further tree and shrub planting adjacent to and on the slopes of the earth bund to help to assimilate the new landform with the wider, well wooded character of the immediate study area. With a herb-rich grass seed across the construction area, the earth bund could be sympathetically styled to ensure that it responds to local character.”

This concludes:

“Any potential effects upon landscape character are anticipated to be localised and limited to the application site and immediate environs rather than the wider study area. The potential effects of a large-scale earth bund could, to some extent, be mitigated by advanced planting of native tree and shrub species to the southern, eastern and western edges of the application site and following construction of the earth bund, further tree and shrub planting adjacent to and on the slopes of the earth bund to help to assimilate the new landform with the wider, well wooded character of the immediate study area. With a herb-rich grass seed across the construction area, the earth bund could be sympathetically styled to ensure that it responds to local character. “

From a visual perspective it is agreed that the built form then the proposed bunds are relatively high up to 10 metres in height and approximately 400 metres in length. The bunds would have to have an organic and ununiform design with appropriate landscaping. It is considered that there would be an adverse impact from the perspective of the nearest neighbours and from users of the footpath. However, it is a localised impact rather than affecting the wider views of the landscape. The application

site is not prominent in views from the wider area and the visual envelope is largely limited to the immediate study area due to existing mature vegetation. The size and scale of the earth bund may be more widely visible once constructed, however the proposed planting of native trees and shrubs will help to mitigate this. Existing vegetation at the boundaries of the wider environs of the application site reduces visibility. Visual effects could also be mitigated to some extent by advanced planting of native tree and hedgerow species beyond the earth bund, to the outer edges to the east, south and west of the application site.

It is also agreed that the landscaping improvements and the submitted landscape scheme shown in Appendix D would go some of the way to alleviate concerns. However, generally around the site there are number of improvements that could be made to the scheme as follows:

- i) The removal of unauthorised hardstanding to the west of the site and consolidation of hardstanding on the site with improvements.
- ii) Further landscaping should be considered as the design and management should reflect the character of existing landscape features and hence more planting should be achieved around the site.
- iii) The use of heavy standard trees and mature species will ensure that landscaping is well formed.
- iv) Some of the landscaping is along the alignment of the footpath and subject to Warwickshire Footpaths this may not be acceptable.
- v) The proposed acoustic fencing adjacent to Blackgreaves Lane should be appropriately coloured olive green and landscaping should be provided adjacent to the fencing
- vi) There is also the potential to enhance and create wetlands habitats during the process of the scheme. This should also include enhanced mature tree cover around the fringes of the development which is depicted in the landscaping scheme to some extent and scrapes surface water attenuation features these should all be included in the application area as should any remediated areas.
- vii) A maintenance scheme (taking into account bund settlement and fencing maintenance) will be required to ensure that the acoustic bund and fencing provides sufficient attenuation that does not degrade over time.

As the application stands some of the improvement and requirement are outside of the application site and therefore a legal agreement would be required to ensure compliance. The landscaping scheme would also need amending to reflect the aspirations from a visual impact as well as flooding and bio-diversity perspective too.

iii) Heritage Impact

The site lies in close proximity to the Grade II Blackgreaves Farm, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on local authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 205 of the NPPF advises that great weight should be given to an assets' conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear

and convincing justification. Paragraph 208 states that where there is less than substantial harm to a designated heritage asset, such cases the harm should be weighed against the public benefit of the proposal.

The heritage impact of the proposal is on Blackgreaves Farmhouse and its associated listed buildings which are 80m, north-west of the site. The significance of the Farmhouse complex is that of the retention of large imposing farmhouse. Due to the size of scale of bunds, the proposal does have the potential to impact on the setting of the farmhouse. Overall, the proposal would lead to less than substantial harm with the proposed mitigation considered above in the landscape section. The harm will be limited in terms of the significance of the Farmhouse by virtue of the distance, levels and therefore setting. The provision of the bund will provide significant public benefit as required under paragraph 208 of the Framework.

iv) Public Right of Way

The proposal would lead to a requirement for the Public Right of Way to be diverted (as shown in Appendix B and Appendix E). The granting of planning permission does not give authority to divert or stop up a footpath or bridleway. The diversion or stopping up of footpaths and bridleways is a separate process which must be carried out before the paths are affected by the development.

Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

As part of the application both the Ramblers Association and Warwickshire Public rights of Way have been consulted neither have objections in principle to the potential diversion. The proposal indicates an alternative route and diversion for the footpath which has its benefits in terms of drawing pedestrians and users further away from the shooting area. However, there must be sufficient space between the bunds and any landscaping. Also, the redirected footpath must ensure that the users would not be compromised by the proposal, a number of comments have been raised by residents, however there are no fundamental objections as the footpath would be better used than it currently is.

v) Ecology and Biodiversity

The NPPF requires there to be bio-diversity gain as a consequence of new development proposals. As indicated above a comprehensive landscaping scheme that includes the improvement of landscape to reduce the prominence of the bunds will have to be submitted. WCC ecology have agreed that any Biodiversity Net Gain can be conditioned in this instance to ensure that there is no net loss.

vi) Flooding

In terms of flooding, the LLFA does not object to the application. However, it is recognised that due to the size of the application positive surface water attenuation should be provided with the scheme to ensure that surface water run-off is not increased elsewhere on Blackgreaves Lane or Haunch Lane. There may well be opportunities for wetland habitat enhancement close to the bund with surface water improvements is required. It is therefore necessary to condition this element of the proposal to allow for wider impacts to be assessed.

vii) Minerals Consultation area

A number of residents have picked up that the applicant is intending to consider submitting details to the Warwickshire Waste Authority, at present no application has been submitted. It is necessary to demonstrate that the ground is stable enough for the bunds now and in the future to prevent uncontrolled deformations. A condition can be imposed in this respect.

viii) Highways

With regards to highways implications, Policy LP29 states that development is only supportable in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and that it would not be hazardous to traffic safety and visibility. This policy approach is considered to be broadly consistent with paragraph 115-116 of the NPPF which only seeks for development to be refused on highways grounds where there would be an unacceptable impact on highway safety, or the cumulative impacts would be severe. Warwickshire Highway object to the proposal however only on the ground of construction traffic, it is usual practice to condition a construction management plan to ensure that the routing of construction vehicles and hours of operation as controlled. The submitted details with the supporting statement are not sufficient to discharge any details in terms of construction management, therefore a condition is required.

d) The Applicant's Considerations

As the proposal is considered to be inappropriate development paragraph 153 of the NPPF indicates that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm resulting from the proposal are clearly outweighed by other considerations.

The need for the noise bund to reduce the impact on neighbouring properties is one of the main considerations put forward by the applicant in support of the proposals. The applicant contends that the following considerations amount to the very special circumstances to support his development in the Green Belt. These are as follows:

- (i) Noise benefits;
- (ii) Economic benefits;
- (iii) Ecological improvements;
- (iv) Flooding; and
- (v) Footpath realignment

i) Noise Benefits

As already stated above (c) i) the current use (clay target shooting) is immune from enforcement action and operates with limited planning restrictions. The proposed bunds constitute an option to reduce noise emissions at the closest noise sensitive dwellings and within Lea Marston Village.

Any noise implications have been controlled through Noise Abatement Notices, however these have not always met the expectations of resident in terms of reducing noise and disturbance. As it stands at present the noise mitigation is necessary to reduce the impact on the neighbouring properties, without the mitigation residents and the applicant are at an impasse. It is likely that the position will remain.

However, a significant material consideration of the application will be the implementation of acoustic bunding and more localised screening which noise modelling suggests will reduce shooting noise levels from clay target shooting by around 5dB to 10dB. This represents a clearly perceptible and noticeable reduction in shooting noise levels which depending on residential location, of up to 10dB would represent a halving of perceived loudness. This represents a ten-fold reduction in sound energy when comparing shot levels with and without the bund. This reduction in noise levels will impact on those in the vicinity of the site to varying degrees, however the reduction is clearly a benefit to the residents and the shooting club in that it will reduce the impact on neighbouring residential properties. It will contribute to the improvement of health and quality of life of existing residents.

ii) Economic Benefits

The economic benefits of the proposal include the retention of the club, the club provides tourist and leisure opportunities for the Borough. It has been established for a number of years and employs a number of people.

iii) Ecological Improvements

As indicated above the proposal will lead to removal and improvement of area of land around the shooting club. This will include bio-diversity gain on the site through the provision of landscaping.

iv) Flooding

The proposal will provide a drainage strategy for the proposal which will help improve surface water drainage in the area. This may well help alleviate some of the drainage problems on Haunch Lane and Blackgreaves Lane.

v) Footpath Re-alignment

The footpath diversion proposed as part of the scheme due to the placement of the bund on the current alignment is a benefit to the proposal. The bund will provide a safer environment for users of the footpath in the future subject to the footpath diversion being consented.

Timetable for delivery and Section 106 Agreement

An important factor for the application is to ensure that the bund is started and completed to the satisfaction of the Local Planning Authority within an appropriate time.

A planning condition can't be imposed requiring a development to be completed, therefore it is necessary for a legal agreement to be submitted and agreed which clearly sets out the start and completion date of the bund and other associated infrastructure (flooding attenuation, ecological improvements and footpath alignment).

As noted above a legal agreement would be required to ensure a) timetable for delivery of the bund; and b) landscape requirement for mitigation outside of the application area therefore this must be covered within the legal agreement too.

Referral

Members will be aware that some development due to their size and scale require to be referred to the Secretary of State. The Town and Country Planning (Consultation) (England) Direction 2021 requires certain development to be referred to the Secretary of State (National Planning Casework Unit) subject to a couple of criteria. In this instance it refers to the following:

For the purposes of this Direction, "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-

- i) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- ii) Any other development which, by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt.

In this instance the development is not of a size and scale that would have a significant impact on the openness of the Green Belt. It is therefore considered that if the Board resolves to approve this application it is not necessary to refer this to the National Planning Casework Unit.

Planning Balance

From the evidence submitted as the merits of the proposal outline in the Very Special Circumstances element of the report hold considerable merit in the need for the development to significantly improve the noise environment and it will contribute to the improvement of health and quality of life of existing residents which should not be underestimated.

Given the national and local policy in relation to noise, economic benefits, ecological, flooding and the improvements by virtue of the footpath diversion are significant in weight that are sufficient to clearly outweigh the harm. Based on this it is considered that the proposal is in accordance with the NPPF, and that planning permission should be granted for the proposal. Against the benefits of the proposal, there is moderate harm against the proposal in respect of the impact on the openness of the Green Belt and that the development will visually impact on the landscape however this is localised

harm. There is mitigation to this harm which will be provided by landscape, bio-diversity and flooding improvements that further negates the harm.

In summary NPPF policy indicates that substantial weight must be attached to inappropriate development by reason of its inappropriateness. In addition to this harm, there is harm to the openness of the Green Belt. The balancing exercise leads the Local Planning Authority to the conclusion that harm in this instance is clearly outweighed by other considerations and very special circumstances do exist in this case.

Recommendation

That the application be APPROVED subject to the completion of a legal agreement in respect of:

- a) the delivery of the noise bunds and associated works; and
- b) landscape requirement for mitigation outside of the application area and also subject to the following conditions:
 1. The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered:
 - 418-1-1 Location 2.1
 - 418-1-2 Site Plan 2.1
 - 418-1-3 Footpaths 2.1
 - Proposed Site Layout - Produced by Tim Bailey
 - Proposed Site Sections - Produced by Tim Bailey

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Pre-commencement conditions

3. No development shall commence until full details of the construction of the noise bund (which shall be 10 metres in height) and acoustic screening proposed including foundations, fixings and colour of fencing (green) has been submitted and approved in writing to the Local Planning Authority. The approved construction details shall be implemented in accordance with these details.

REASON:

To ensure that the bund and fencing is robust and to ensure that its visual appearance is acceptable.

4. No development shall commence until a detailed maintenance plan of the noise bund and acoustic screening has been submitted giving details on how the structures will be maintained to ensure their acoustic integrity in the future and in the event of degradation, damage or settlement which may reduce the path difference between the shooting noise source and noise sensitive receptors. The approved maintenance plan shall be implemented in accordance with the approved details.

REASON

To ensure the future maintenance of the acoustic structures.

5. Notwithstanding the submitted landscape scheme no development (including any earthworks or vegetation clearance) shall take place before a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

REASON:

To help mitigate the landscape harm of the proposal and in the interests of the visual appearance of the area.

6. Notwithstanding the submitted details, no development shall commence until a Construction Management Plan has been submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:
 - Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
 - The routing of vehicles and access to the site
 - Parking areas
 - Staff facilities
 - Best practice mitigation measures for control of construction dust
 - Hours of construction;
 - Details of the contact for any local concerns with the construction activities on the site; and
 - Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON

In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

7. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks and working practices for badger, amphibians, reptiles, bats, breeding birds and otter and water vole and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

REASON

To ensure that protected species are not harmed by the development and to ensure the protection of important habitats during development.

8. No development shall commence until a bio-diversity and ecological management plan (BEMP) has been submitted to, and be approved in writing by, the Local Planning Authority. The content of the BEMP shall generally include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implantation of the plan.
 - h) Ongoing monitoring and remedial measures. The BEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved BEMP plan will be implemented full and maintained in accordance with the approved plan prior to the development being completed in accordance with the approved details.

REASON

To ensure a net biodiversity gain in accordance with NPPF

9. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including consideration of the localised flooding of Blackgreaves Lane and Haunch Lane, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

10. No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

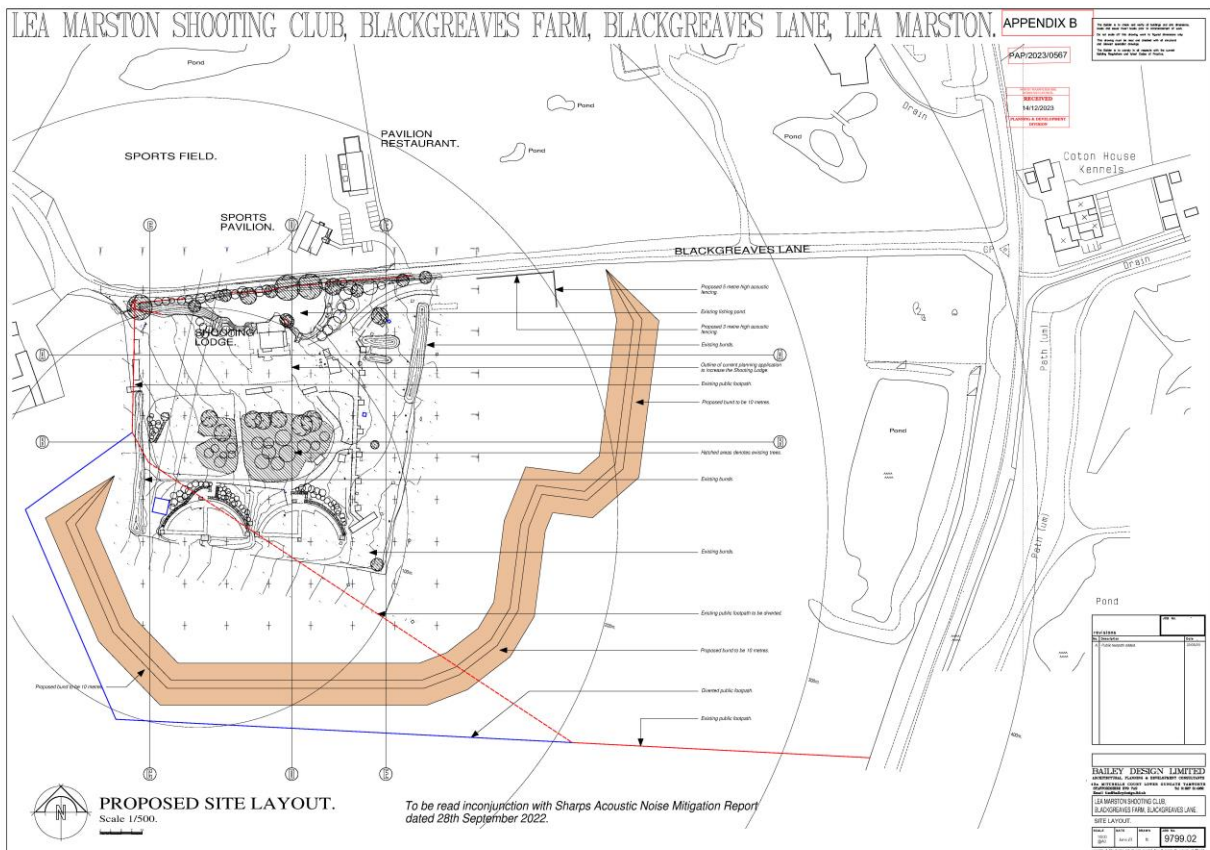
To ensure the recording of items of archaeological interest and their preservation in situ where appropriate.

11.No occupation and subsequent use of the development hereby approved shall take place until a detailed maintenance plan is submitted giving details on how surface water systems shall be maintained and managed for the life time of the development and shall include the name of the party responsible, including contact name and details within the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

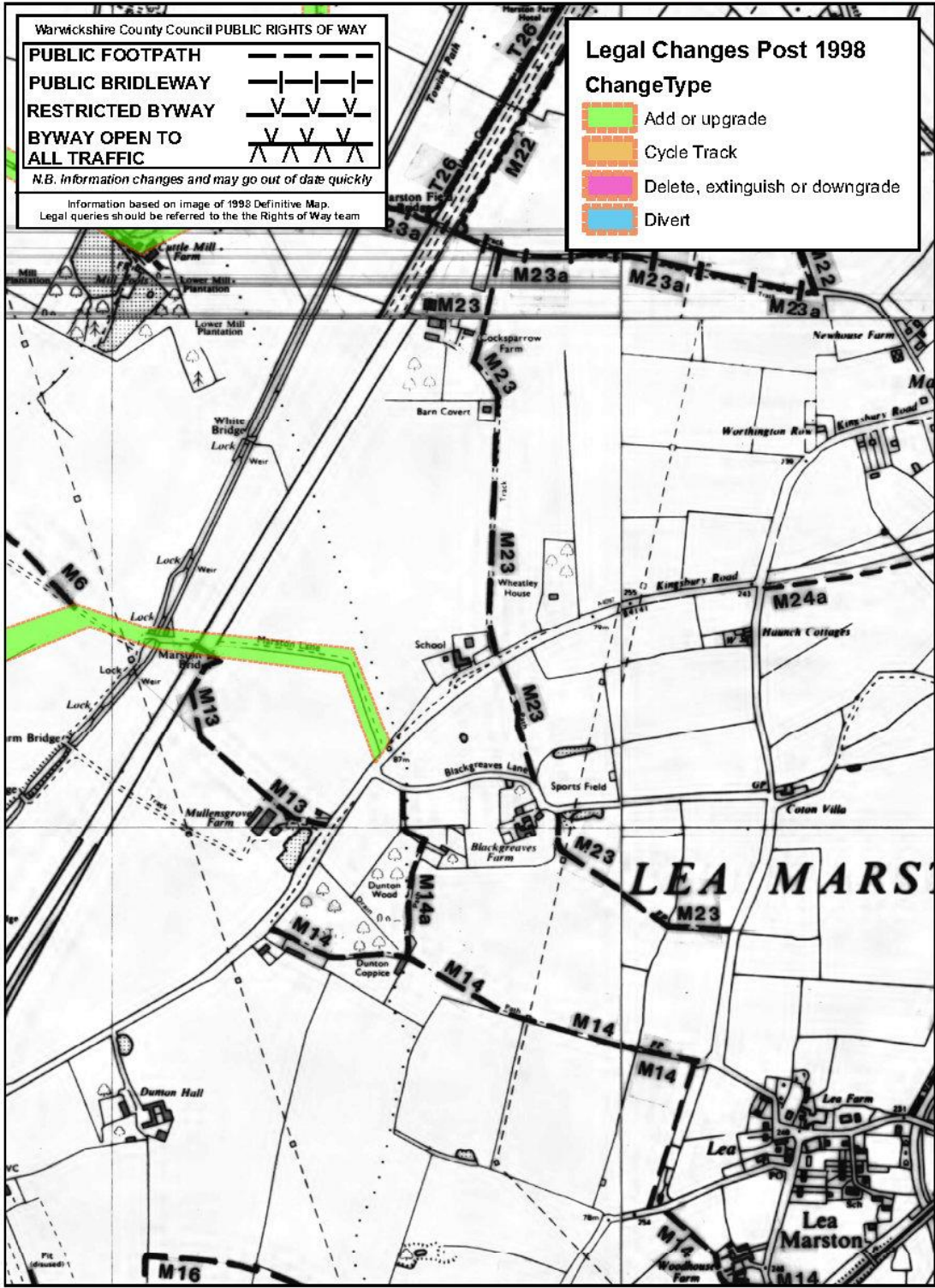
REASON

To ensure the future maintenance of the sustainable drainage structures.

APPENDIX A



APPENDIX E



Warwickshire County Council PUBLIC RIGHTS OF WAY

PUBLIC FOOTPATH - - - - -

PUBLIC BRIDLEWAY ———|———|———|———|———|———

RESTRICTED BYWAY ———V———V———V———

BYWAY OPEN TO ALL TRAFFIC ———A———A———A———

N.B. Information changes and may go out of date quickly

Information based on image of 1998 Definitive Map.
Legal queries should be referred to the Rights of Way team

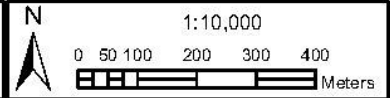
Legal Changes Post 1998

ChangeType

- Add or upgrade
- Cycle Track
- Delete, extinguish or downgrade
- Divert

Extract of scanned 1998 Definitive Map - overlaid with legal changes (Locations of post-1998 legal changes shown shaded - see key)

Produced by: EB Date: 22/05/2023



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North Warwickshire Borough Council	
Environmental Health	
From: Pollution Control EH ref:	To: Development Control FAO: Andrew Collinson Planning ref: PAP/2023/0567
Officer: Daniel Baker TEL: 01827 719 330 (ext 2330)	DATE: 06/02/2024

TOWN & COUNTRY PLANNING ACT 1990: Reply to Consultation

Description: Construction of an earth bund and timber screens for noise mitigation(including footpath diversion of M23)

Address: Land 500 Metres South East Of Lea Marston Shooting Club, Haunch Lane, Lea Marston, (Grid Ref: Easting 419988.9, Northing 293897.31)

Application No: PAP/2023/0567

Thank you for the above consultation. I have read through the planning application and associated documentation as well as the objection raised by residents at Coton House. I have the following comments and recommendations which relate primarily to noise.

I have previously read information within a pre application in relation to the proposed installation of an acoustic bund and localized screening at Lea Marston Shooting Club. My summary findings following a review of the pre application information regarding the proposed noise mitigation scheme was an overall improvement to the acoustic environment in relation to the shooting noise levels currently affecting existing residential receptors.

The focus of this review is on the updated noise assessment and change in shooting noise level post completion of the bunding and localised screening. It is understood the proposed development will involve the construction of a new earth bund proposed to a height of 10m as well as screening to a height of 3m and 5m towards the north /

north east of the site. The submitted details identify the limitations of noise modelling software, apply internationally recognized (ISO) standards for modelling sound propagation and incorporate independently verified ground height / elevation data. The noise model includes directivity assumptions (e.g. greater sound energy in the direction of shooting compared to the geometrical spreading of sound waves from a typical point source). The model has been calibrated using measured shooting noise level data within the community reducing the uncertainty and limitations of the predictions.

In a planning context, when considering the Noise Policy Statement for England 2010 (NPSE) and noise exposure hierarchy from the UK Government's online planning practice guidance (PPG on noise), emissions of noise from shooting currently emitted from Lea Marston Shooting Club (LMSC) are considered sufficient to constitute both 'observed adverse effects' and 'significant observed adverse effects' at existing residential receptors within Lea Marston village, Haunch Lane and along Coton Road further to the east. The appropriate planning response, when considering new development (e.g. new dwellings or new/changes to existing shooting noise source) to adverse and significance adverse effects, would be to avoid or prevent development allowing this level of impact from occurring and also to mitigate and reduce to a minimum observed adverse effects of noise. However, as the club already has established use, the implementation of acoustic bunding and localised screening closer to the shooting source are likely to reduce shooting noise levels from clay target shooting by around 5dB to 10dB within Lea Marston Village, depending on location. This represents a noticeable reduction in shooting noise levels potentially, depending on location, of up to 10dB which would represent a halving of perceived loudness.

Whilst the proposed development does not seek to introduce new noisy activity or introduce noise sensitive uses to an existing area affected by noise from clay target shooting, the proposed installation of the bunds and screening provides an opportunity to make improvements to the existing acoustic environment for residents within Lea Marston. This is compatible with the noise policy vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development' and the third aim of the NPSE to 'where possible, contribute to the improvement of health and quality of life'.

I have read the report by Walnut acoustics and the response from Sharps acoustics. I offer some points of clarification below:

1. The application does not seek to permit new noise generating sources.
2. The statutory nuisance and land use planning regimes are separate with differing aims and objectives. This 'noise' aspect of this application has been assessed in the context of government guidance on land use planning.
3. The aim of sound predictions in this context is to assess the likely reduction in shot noise level following the implementation of the bund rather than demonstrate what the shot levels would objectively be.
4. It is not necessary, in the context of noise mitigation, to apply a benchmark of acceptability for shot noise levels and their reduction noise post implementation. The focus is the reduction in shot noise level provided by the bund not only at the closest dwellings but also within the wider community. This is consistent with planning and noise policy aims provide within the NPSE and PPG on noise.
5. In terms of increasing the bund from the proposed 10m to 15m (or 20m) in height, it is accepted there exist site constraints. Typically for a bund, the higher the bund the greater the area of space is required to form the base. This is similar to a pyramid i.e. the higher the peak the wider the base must be. This does provide constraint in the context of clay target shooting and the necessary distance to undertake shooting.

Crucially, it should be recognised the aim of the noise modelling is to demonstrate a 'before and after' i.e. the difference between the predicted sound level with no bund and with the bund. For the application, the prediction of the exact shot noise level is not necessary as when determining the application under planning in relation to noise, it is the reduction provided to the shot noise level through the introduction of the bund and not the shot level itself.

In summary, the implementation of bunding and localised screening will contribute to an improvement to the acoustic environment in relation to the shooting noise levels affecting existing residential receptors. The aim should be to reduce shot noise levels from clay target shooting as far as practical within the constraints of the development

site. The development is consistent with national noise policy which seeks to promote health and a good quality of life through the effective management of noise. One aim of the noise policy is, where possible, to contribute to the improvement of health and quality of life. The implementation of the bunds will contribute to the mitigation of noise but also contribute to the improvement of health and quality of life of existing residents.

Recommendation:

1. I recommend a condition that requires the ongoing maintenance of the both the bund and acoustic screening to maintain the acoustic integrity in the event of degradation, damage or settlement which might reduce the path difference between the shooting noise source and noise sensitive receptors.

If you have any questions, please let me know.

Daniel Baker
Environmental Health Practitioner
(working under contract)
Pollution Control

Agenda Item No 8

Planning and Development Board

21 May 2024

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report updates Members on a recent appeal decision.

<p>Recommendation to the Board</p> <p>That the report be noted.</p>

2 Appeal Decisions

a) Croxall Farm, Nether Whitacre

2.1 This appeal dealt with a proposed expansion of an existing leisure caravan site in the Green Belt. The Inspector found that there would be harm to the openness of the Green Belt and that that outweighed any benefit that there might be from expanding a local business. The letter is at Appendix A.

...

3 Report Implications

3.1 Links to the Council's Priorities

3.1.1 The decision fully aligns with the priority of protecting the rural character of the Borough.

The Contact Officer for this report is Jeff Brown (719310).



Appeal Decision

Site visit made on 25 March 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 4th April 2024

Appeal Ref: APP/R3705/W/23/3331166

Croxall Farm Caravan Site, Hoggrills End Lane, Nether Whitacre, Warwickshire B46 2DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bryan Lewis against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2022/0259.
 - The development proposed is the creation of twelve additional motorhome/caravan pitches in former rally field (Pitches 15-26) with eastern and northern extensions to existing access track, additional hedge planting and creation of woodland picnic area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Nether Whitacre Neighbourhood Plan (January 2024) was adopted by the Council on 8 January 2024. Both main parties have had the opportunity to comment on the implications of this for the appeal and I have taken it into account in coming to my decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt and the purposes of including land within it, having regard to local and national policy;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The site falls within land defined as Green Belt. The area surrounding the appeal site is rural with a small number of large, detached properties set within substantial verdant plots, arranged in a linear pattern of development surrounded by fields and woodlands. The appeal site comprises a large grass field associated with Croxall Farm and the existing caravan site, which are towards the south. The wider site is enclosed from the surrounding countryside

by mature hedges with scattered mature trees. There are two public footpaths running adjacent to the site, which based on the evidence submitted are well used.

Whether inappropriate development

5. The National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraphs 154 and 155.
6. These include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as well as the material change in use of land (such as changes of use for outdoor recreation), provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy LP3 of the North Warwickshire Local Plan 2021 (September 2021) (NWLP) accords with the Framework in this regard.
7. The parties agree that the proposal would comprise a material change of use of the land to facilitate for the expansion of the caravan site. The proposal would provide 12 caravan pitches in addition to the existing 14 with associated areas of hardstanding as well as areas for landscaping and picnic benches.
8. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects, which can be experienced on different scales. The openness of the Green Belt is clearly evident around the appeal site and the wider area. Whilst the caravans and associated visitors at the site would be transient, with the number of caravans present fluctuating, the facility would be available throughout the year and would be visible despite the existing boundary hedges and crops. Moreover, the volume of development within the site would increase, thereby reducing the openness of the Green Belt.
9. Even though the areas of hardstanding are not in themselves 'alien' to the rural setting, the loop arrangement with individual pitches and the subdivision of the wider field with elements of landscaping would not be typical. Notwithstanding that the areas of hardstanding could be readily restored to open grassland; the proposal would approximately double the amount of land occupied by the caravan site, ultimately encroaching on the Green Belt. Consequently, it would not meet the exceptions as set out in paragraph 154 b) nor 155 e) of the Framework.
10. Considering the above, I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with Policy LP3 of the NWLP and the associated policies of the Framework which collectively seek to control development within the Green Belt.

Living Conditions – noise and disturbance

11. I note that the existing site has been described as peaceful, quiet, and tranquil and that the only known complaints pertain to noise from rally events. However, it is reasonable to assume that the increased number of caravan pitches would increase the number of vehicles and visitors within the site. As such, there would be an increase in noise generated within the site that would

- be out of character within the area. Furthermore, given the rural atmosphere, any additional noise would be more apparent. Whilst the proposed woodland would provide screening, the introduction of a picnic area would encourage the visitors to congregate in this area which is adjacent to neighbouring properties.
12. While the appellant asserts that noisy behaviour would be discouraged and that the picnic area would be subdivided for smaller groups, there is limited physical separation between the appeal site and the properties to the south, particularly The Old House and Thornlea. As such, I am satisfied that given the quiet atmosphere of the area, the additional noise and disturbance would be audible within the neighbouring properties.
 13. Accordingly, I conclude that the increase in noise and disturbance generated by the proposal would be harmful to the living conditions of the neighbouring residents. It would conflict with Policy LP29 (9) of the NWLP which requires development to avoid unacceptable impacts upon neighbouring amenities through noise. There would also be conflict with the Framework which seeks to ensure that development creates places with a high standard of amenity for existing and future users.

Other considerations

14. The appeal site forms part of the setting of the adjacent Grade II listed building, The Old House. In so far as is relevant to this appeal, the building derives its significance from its architectural detailing and its rural setting. Due to the separation distance between the appeal site and the proposal and the introduction of additional landscaping elements, I am satisfied that the proposal would not harm the rural setting and hence the significance of The Old House.
15. My attention has been drawn to a number of other local caravan sites, which have a similar or greater number of pitches than the appeal proposal. However, I am not aware of the details of these sites nor their planning history. Nevertheless, each case must be considered on its own merits.
16. I note that the appeal site has been previously used as a grass rally track. Nevertheless, this appears to be on an ad hoc basis with any additional caravans, vehicles and people only being present for a limited period of time. In comparison the appeal proposal would be available throughout the year, with permanent areas of hardstanding, resulting in greater spatial and visual effects.
17. A number of hedges and trees are proposed which would promote biodiversity, benefit air quality and offer some mitigation against climate change. However, I have not been provided with the details of the landscape scheme, nor any indication of the scale of improvements compared to the baseline situation. As such, these improvements carry little weight.
18. The proposal would support a prosperous rural economy through the expansion and diversification of an existing rural business. In addition, it would promote rural tourism which would in turn support other local businesses and services. The increased number of caravan pitches would improve the accessibility of high-quality open spaces, promoting health and wellbeing. The proposal would provide access to the countryside and its many amenities, such as the

expansive network of local public rights of way. I attach considerable positive weight to these matters.

Green Belt Balance and Conclusion

19. The proposed development would be inappropriate development in the Green Belt, which is by definition, harmful. It would result in a loss of openness and encroachment into the Green Belt. Furthermore, it would also be harmful to the living conditions of neighbouring residents. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
20. Given the substantial weight to be given to Green Belt harm, the harm to the Green Belt and other harms are not clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

K Allen

INSPECTOR

Agenda Item No 9

Planning and Development Board

21 May 2024

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 10

Tree Preservation Order – Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider the making of an order.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Julie Holland (719237).